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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation of human rights in the territory of the former Yugoslavia

Report on the human rights situation in Bosnia and Herzegovina submitted by the Special Rapporteur Ms. Elisabeth Rehn, pursuant to Commission resolution 1997/57

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Introduction

1. The present report considers human rights developments in Bosnia and Herzegovina from January to September 1997. During this time the Special Rapporteur conducted three missions to the country, 21-28 March, 16-24 July and 29 August-3 September. She also briefly visited the country on three other occasions, while on missions dedicated primarily to other countries.

2. In resolution 1997/57, section IX, the Commission on Human Rights requested the Special Rapporteur to focus her future activities on the prevention and reporting of violations of, and lack of action to protect all human rights and fundamental freedoms by governmental authorities, particularly violations that exacerbate ethnic tension, and on protecting the rights of persons belonging to minorities, women and other vulnerable groups, particularly their right to return to their homes in safety and dignity. The Special Rapporteur was also requested to continue to support the efforts of the High Representative, inter alia by exchanging information and advice on the human rights situation in the territories covered by her mandate and by providing recommendations concerning compliance with the human rights elements of the Agreement. She was further requested to contribute to efforts for the building of democratic institutions and the improvement of the administration of justice.

3. At its fifty-third session, the Commission on Human Rights received the resignation of the expert member of the Working Group on Enforced or Involuntary Disappearances in charge of the special process on missing persons in the territory of the former Yugoslavia, Mr. Manfred Nowak, and the mandate for the expert's activities was thereupon terminated (resolution 1997/57, sect. VIII). The mandate of the Special Rapporteur, however, was expanded to include consideration of the question of missing persons. The present report accordingly contains a discussion of this important issue.

4. To obtain a comprehensive and objective picture of the human rights situation in Bosnia and Herzegovina, the Special Rapporteur has endeavoured to meet people from all sectors of society. She has been assisted in her work by the field offices of the Office of the United Nations High Commissioner for Human Rights (OHCHR), which are located in Sarajevo and Banja Luka. The Special Rapporteur notes that she would be unable to implement her mandate without the invaluable support of OHCHR's field operation. Although seriously hampered by financial and administrative constraints, the field operation handles a number of tasks, including analysing human rights developments, assisting in the drafting of reports, intervening on the Special Rapporteur's behalf with local authorities, keeping the Special Rapporteur informed of developments in the situation in Bosnia and Herzegovina on a daily basis, and organizing her missions.

5. Besides OHCHR, many other international organizations also play an important role in monitoring and addressing various aspects of the human rights situation in Bosnia and Herzegovina. In particular, key functions are performed by the Office of the High Representative (OHR) and its Human Rights Coordination Centre, the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and the International Police Task Force (IPTF), the Organization for

Security and Cooperation in Europe (OSCE) and the Council of Europe. The Special Rapporteur would like to express her support for the activities of these organizations and her gratitude for the assistance they have provided her in the exercise of her mandate.

6. During recent months, national institutions created by the Dayton Agreement and other accords for the protection of human rights have played a significant role and issued many important decisions. The Special Rapporteur has also expressed her support for the Ombudsmen of the Federation and has on a regular basis shared information and conducted successful joint missions with them.

7. The Special Rapporteur has also paid particular attention to the role of local non-governmental organizations. Despite many difficulties, NGOs have been increasingly active and the Special Rapporteur would like to acknowledge their courageous endeavours. The active role of international NGOs in working to improve the human rights situation in Bosnia and Herzegovina is also to be commended.

8. The present report reflects some changes in format. In her previous reports the Special Rapporteur has considered the human rights situations in the four countries covered by her mandate (Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, and the former Yugoslav Republic of Macedonia), in single, comprehensive documents. However, to present a more thorough evaluation of the human rights situation in each of these countries, and in recognition of their different circumstances, she has decided to submit separate reports on each country. Nevertheless, the interdependence of the human rights situations of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, in particular, should be taken into account.

9. In addition, in order to formulate more targeted recommendations, she considered it important to review the recommendations she has made since the beginning of her mandate and to assess the extent of their implementation. Annex I to the present report recapitulates the Special Rapporteur's previous recommendations and provides comments in this regard. The conclusions and recommendations of the present report make up the final chapter of the main text.

I. GENERAL OBSERVATIONS

A. Political developments

10. The implementation thus far of the human rights provisions of the Dayton Agreement has been far from satisfying. The same is true of other non-military aspects of the Agreement. For a better understanding of the description and analysis of the human rights situation in Bosnia and Herzegovina presented in this report, the Special Rapporteur believes it is important to provide a brief overview of the overall political situation in the country as of early September 1997.

11. The Special Rapporteur has previously described progress achieved in the creation of joint institutions of the two entities comprising Bosnia and

Herzegovina and the difficulties these institutions have faced. They have been largely paralysed by the refusal of Republika Srpska delegates to participate. Consequently, essential laws, such as those on citizenship, currency and others, have not been adopted. In spite of enormous international pressure and involvement, the joint institutions remain, to a large extent, symbolic.

12. Some progress has been achieved in the entity of the Federation of Bosnia and Herzegovina. There too, however, one must deplore the serious delay in the creation of a coherent legal system, including reformed judicial institutions, law enforcement agencies and prisons. A continuing lack of trust between the Federation partners is clearly evident. A principal problem lies in the divergent views of the main political parties, the Party for Democratic Action (SDA) and the Croatian Democratic Union (HDZ), on the precise type of systems they wish to create. As a result, the Federation Parliament functions inefficiently and is often blocked. Indeed, the two ruling parties have deeply conflicting political agendas, and compromises have been extremely difficult to achieve. When agreements are reached, usually under heavy international pressure, they are rarely or only partially respected.

13. In the Republika Srpska entity, a political crisis in early July 1997 brought to light a power struggle between the President of the entity and the National Assembly along with members of the Government, including the Minister of Interior, and the Republika Srpska's member of the Bosnia and Herzegovina tripartite Presidency. After a majority of the National Assembly, supported by some government ministers, opposed a decision by the President to dismiss the Minister of Interior - allegedly responsible for acts of corruption - the President, on 3 July 1997, issued an order dissolving the National Assembly and calling for new parliamentary elections. The following day the Assembly met and challenged the President's decisions as unconstitutional.

14. The Constitutional Court of the Republika Srpska was called upon to rule on the legality of the President's acts. The Court announced its opinion on 15 August 1997, declaring the President's decisions unconstitutional and void. However, backed by international legal experts, including the Venice Commission of the Council of Europe, the President refused to accept the Court's ruling and insisted on parliamentary elections, to be held in mid-October 1997.

B. Elections

15. Nationwide municipal elections were scheduled for 13 and 14 September 1997, just subsequent to the drafting of the present report. Initially planned for September 1996, they were postponed owing to problems that emerged during registration procedures. In particular, some persons had registered to vote in municipalities in the Republika Srpska entity in which they had never resided and allegedly were not planning to live (e.g. Srebrenica and Brcko). Their votes, it was feared, would have strengthened the divisions left by the "ethnic cleansing" conducted in these areas during the 1992-1995 war.

16. During the period preceding the September 1997 elections, the Special Rapporteur observed that participation in political life was hindered by various obstacles, notably to freedom of the press. These problems prevented genuine inter-entity (as well as intra-Federation) campaigning, and negatively affected the right of citizens to information.

17. During the voter registration process, irregularities were observed throughout the country, mainly in the Republika Srpska and Croat-dominated municipalities in the Federation. In most cases, infractions consisted of manipulation of voter registration, resort to fraudulent documentation, and unlawful pressure placed on displaced persons to vote in particular ways. Abuses targeting opposition candidates were also recorded, generally in the form of restrictions on freedom of movement, expression and association. These incidents seemed to reflect a general reluctance of the parties in power (SDA, Serb Democratic Party (SDS) and HDZ) to accept political diversity, and revealed blatant disregard for the fundamental democratic principle of pluralism.

18. The Special Rapporteur is concerned that this situation may result in the conduct of unfair elections and thereby increase political instability. Whatever the outcome of the elections, it is clear that the post-electoral phase, including the processes of certifying and implementing the election results, will require close monitoring and support.

II. LEGAL GUARANTEES

19. In Bosnia and Herzegovina, guarantees for the protection and promotion of human rights consist of constitutional provisions, legislation, and institutions specifically for the defence of rights and freedoms. It must be noted that the legal system of the country is undergoing a profound restructuring, not only as a result of the conflict and the Dayton Agreement, but because of the transition from the pre-war socialist system. The restructuring is still at an early stage, and an effective system based on the rule of law is still far from established.

20. The present complex structure of State institutions in Bosnia and Herzegovina adds to the difficulty in identifying the authorities responsible for the protection of human rights. Currently, there are three different legal systems in Bosnia and Herzegovina - one for each entity in addition to the overarching national system - resulting in different court and prison systems as well as different police authorities. One must keep in mind too that vestiges of the pre-war system still seriously affect the functioning of governmental institutions, with functionaries of the ruling parties often exercising decision-making power without legal authorization.

A. Human rights obligations

21. Under the Dayton Agreement, Bosnia and Herzegovina is bound by 21 international human rights instruments. This is stipulated in the Constitution itself - annex 4 to the Dayton Agreement - as well as in annex 6, which is devoted to human rights. In addition, the constitutions of the two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, contain solid guarantees for the protection of human rights.

22. Some of the international instruments by which Bosnia and Herzegovina is bound impose reporting obligations with respect to United Nations treaty bodies. However, in some cases the Government of Bosnia and Herzegovina has failed to meet these obligations. For instance, the authorities have yet to present their initial report to the Committee on the Rights of the Child. The report to the Committee against Torture similarly has not been submitted, despite four notifications to the Government. Obviously, the effects of the war have hindered preparation of these documents, but it would be important and useful for Bosnia and Herzegovina to comply with the requirements in this regard at the earliest opportunity.

B. National human rights institutions and redress mechanisms

23. Three national institutions dealing with human rights issues were established by the Dayton Agreement. The Human Rights Ombudsperson and the Human Rights Chamber (which together form the Commission on Human Rights) are described in annex 6. These two institutions may consider alleged or apparent violations of human rights by the authorities which occurred after 14 December 1995, the date of entry into force of the Dayton Agreement. The Commission for Real Property Claims, established under annex 7 to the Agreement, adjudicates claims for real property where the property has not voluntarily been sold or otherwise transferred since 1 April 1992, and where the claimant does not presently enjoy possession of that property. Claims may be for the return of the property or for just compensation. All three institutions, which have jurisdiction over the entire territory of Bosnia and Herzegovina, have substantial international components for the first five years of their operation.

1. Human Rights Ombudsperson

24. The Human Rights Ombudsperson, Dr. Gret Haller of Switzerland, was appointed by the Chairman-in-Office of OSCE for a non-renewable term of five years. Her investigations may be initiated in response to an allegation of a human rights violation through an application to her Office or on her own initiative. The Ombudsperson seeks to resolve disputes, if possible, through friendly settlement. If such a settlement proves impossible, her Office will issue a report based on her investigation. So far, most cases taken up by the Ombudsperson have concerned property issues, but other cases have related to independence of the judiciary, freedom of movement, effective domestic remedies, access to court, the rights of detainees, and the rights to liberty and security. Final reports are addressed to the appropriate government official and contain recommendations to be implemented within a specified time. The Ombudsperson has been confronted with varying degrees of cooperation from authorities at all levels. OHR, OSCE and the Special Rapporteur have monitored compliance with the recommendations of the Ombudsperson, and have followed up with additional pressure on authorities to cooperate.

25. In addition, the Ombudsperson has issued 10 special reports dealing with specific human rights issues such as freedom of expression, the death penalty, the right to return, the right to a fair hearing and others. There has been little official response to these reports, however, and deadlines set for compliance have often been ignored. In a recent case, for example, dealing

with discrimination affecting the right to work, the Ombudsperson initially received written observations from the official to whom the report was directed and an agreement to meet to discuss the report's recommendations. However, in a subsequent letter the same official wrote that he would not meet as agreed, and he refused to cooperate further with the Office of the Ombudsperson.

26. More encouraging is the record of government authorities in complying with requests from the Ombudsperson for interim measures pending her final decision in various cases, although this has sometimes occurred only following intervention by international agencies. At 31 August 1997, 51 requests for interim measures, such as an agreement to refrain from taking a threatened action which could cause irreparable damage to the applicant, had resulted in cooperation from the authorities, while 21 other requests had gone unimplemented.

27. As of 31 August, the Office of the Ombudsperson (through its Sarajevo and Banja Luka offices) had opened 2,068 provisional files, registered 946 cases, issued 48 final reports, and published 10 special reports. Thirty-one cases had been referred to the Human Rights Chamber. The Ombudsperson has made a special effort to be active in both entities.

2. Human Rights Chamber

28. The Human Rights Chamber is an independent judicial body composed of 14 members, 8 of whom are international judges and 6 of whom are from Bosnia and Herzegovina. Sessions of the Chamber are held the first week of every month in Sarajevo. The decisions of the Chamber are final and binding. In principle, the Chamber gives priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds. An important aspect of the Chamber is that its decisions will set precedents for future cases which disclose similar facts. In this way, the Chamber will build a body of case law that will facilitate development of the rule of law and prevent arbitrary judicial decision-making.

29. During the first year of its existence, the Chamber spent a great deal of time developing its rules of procedure. The number and composition of the judges made it difficult to reach consensus on how the Chamber would operate. As of 31 August 1997, the Chamber had registered a total of 58 cases and rendered 11 decisions on the admissibility of applications. Two final decisions had been issued.

30. The majority of the Chamber's cases are referrals from the Ombudsperson, while the remainder have been made by direct application. Most concern property matters. Other cases focus on alleged unlawful detentions, the inability to enforce court decrees, use of the death penalty, freedom of religion, freedom of movement, discrimination in the field of employment and the length of civil proceedings. It is expected that the Chamber's workload will increase significantly as more people, especially lawyers, become more knowledgeable about the institution and begin to submit applications to it directly.

31. Cooperation by the authorities with requests from the Chamber has been inconsistent. Requests for written observations have usually been ignored by Federation officials, while the Republika Srpska side has sometimes responded. The Government of Bosnia and Herzegovina has not yet nominated an official to serve as liaison with the Chamber, as had been agreed. Moreover, the Federation has conducted an eviction in contravention of an interim measure ordered by the Chamber. Through the intervention of OHR, the individual affected was reinstated in her apartment within 24 hours.

3. Commission for Real Property Claims

32. The Commission for Real Property Claims (CRPC) is composed of nine members, three of whom are international and six of whom are citizens of Bosnia and Herzegovina. Upon receipt of a claim for real property, CRPC is responsible for determining who is the lawful owner and the value of the property. Most of the claimants are refugees or displaced persons, and victims of "ethnic cleansing" who lost homes and property during the war. If the Commission finds the claimant to be the lawful owner of the property, it may either order its return or just compensation, depending on the claimant's request. The decisions of CRPC are final and binding and are to be recognized as lawful throughout the entire territory of Bosnia and Herzegovina.

33. During its first year of operation, CRPC devoted a great deal of time to developing procedures for receiving and deciding on claims in an efficient manner. As of the end of August 1997, CRPC had received over 40,000 claims and issued more than 4,200 decisions. More than 800 decisions were rendered in August 1997 alone. In addition, 450 advisory opinions have been sent to the OHR Supervisor in Brcko. CRPC has been able significantly to increase its ability to process claims as a result of a new computerized property records database. Three regional offices have been established in Sarajevo, Mostar and Lukavica in addition to the headquarters office in Sarajevo, with more expected to open in the near future. In July 1997, CRPC began to assist reconstruction agencies repairing private homes by offering to conduct title searches for a fee. Determining rightful ownership before funds are invested in reconstruction can help to provide security against future claims on the property.

34. The ability of CRPC to give compensation in lieu of return of property as provided for by the Dayton Agreement will remain a "paper promise" as long as no funds are available. That the necessary financing may never be secured has prompted CRPC to come up with alternative means of compensation. One possibility would be to issue certificates based on the value of the home which could then be exchanged for other property.

4. Office of the Federation Ombudsmen

35. The Office of the Federation Ombudsmen, established in 1994 under the Washington Agreement, consists of three persons - one each from the three principal national groups in Bosnia and Herzegovina. The Ombudsmen are present throughout the territory of the Federation, with two offices in Sarajevo and branch offices in Tuzla, Bihac, Zenica, Livno and two locations in Mostar. Two more offices are expected to open soon in Travnik and Capljina. The Ombudsmen receive allegations of human rights abuse directly

from citizens or through referrals from the Ombudsperson and intervene personally with the authorities to resolve individual cases. Their reports reveal a pattern of discrimination and harassment of ethnic minorities throughout the Federation. Complaints received by the Ombudsmen include claims related to housing, the right to work, issuance of personal documents and many other issues. There has been a continuing increase in the number of contacts with citizens since the Ombudsmen began their work, which attests to the increasing confidence in the institution. Without burdensome formal procedures, the Ombudsmen have the advantage of being able to act quickly and efficiently. Through press conferences, media interviews and publication of reports on their activities and findings, the Ombudsmen also contribute to the education of citizens and authorities about human rights.

36. Recently, the Federation Ombudsmen were criticized in the Federation House of Representatives by some members of SDA, who demanded that each of the three Ombudsmen deal only with complaints from persons of their own ethnic background and that they not censure officials of their own ethnicity. The criticism was strongly denounced in separate statements by the Ombudsperson and the Steering Board of the OHR Human Rights Coordination Centre. In meetings with competent authorities during her missions, the Special Rapporteur has always expressed her unequivocal support for the work of the Federation Ombudsmen.

C. Obstacles to effective functioning of the institutions

37. The parties to the Dayton Agreement are obligated to comply with the decisions and recommendations of the Ombudsperson, the Human Rights Chamber and the Commission for Real Property Claims. All three Dayton institutions, as well as the Federation Ombudsmen, have been hampered in their work by a low level of cooperation from the authorities. In particular, requests for information are virtually ignored and implementation of decisions and recommendations of these institutions remains seriously inadequate. Indeed, no effective mechanism exists to enforce compliance with decisions and recommendations. OHR has monitored case follow-up and intervened when the authorities have failed to cooperate with the Ombudsperson, the Chamber or the CRPC, but ultimately the authorities must recognize their legal obligation to comply and to respect the rule of law.

38. Discriminatory legislation which remains in place and the failure of the authorities to pass new laws in accordance with the Dayton Agreement and the constitutions pose other obstacles to the institutions' effectiveness. Implementing legislation is also needed to ensure judicial enforcement of their decisions.

39. All of the human rights institutions face severe financial crises which undermine their ability to function effectively. However, their work continues to expand. None of the institutions currently has sufficient funds to cover its work for the remainder of 1997, and the outlook for 1998 is worse, with only a fraction of their projected budgets pledged by the international community. The Government has begun to meet its obligation under Dayton to fund the institutions by committing DM 200,000 to each institution from its 1997 budget. It is expected that this contribution

will increase each year. Realistically, however, stable and substantial international financial support will be necessary if the institutions are to survive.

40. The Dayton Agreement provides that after five years, the continuing responsibility for the Office of the Ombudsperson, the Human Rights Chamber and the Commission for Real Property Claims is to be transferred from the parties to the institutions of Bosnia and Herzegovina, unless otherwise agreed. However, almost two years after Dayton, the Bosnia and Herzegovina and entity authorities have made little effort to incorporate these institutions into their legal systems.

41. Besides the institutions described above, the Constitution of the Federation of Bosnia and Herzegovina (chap. IV, sect. C, arts. 18-23) provides for a Federation Human Rights Court. It is supposed to have seven members: three judges from Bosnia and Herzegovina and four appointed by the Council of Europe. The Court has not yet started to function as envisaged as the four international judges have still not been appointed. Concern has been raised that the Human Rights Court would duplicate and hinder the work performed by the Human Rights Chamber. The Federation Ministry of Justice has argued, however, that the Human Rights Court should be allowed to commence full operation, and has urged the Council of Europe to appoint the remaining four judges. The Special Rapporteur will follow and report on further developments.

III. NGOs AND CIVIL SOCIETY

42. The Special Rapporteur would like to draw attention to the exceptional work carried out by local NGOs in the fields of humanitarian relief, reconstruction, development, human rights and education. This "grass-roots" power has enormous potential for the reconstruction of the country and for reconciliation. Indeed, many NGOs insist on promoting and preserving Bosnia and Herzegovina's multi-ethnic identity, and the synthesis of their efforts is a vital part of the peace process. Most of the NGOs were founded during the war, as acts of solidarity and hope. In particular, the Special Rapporteur would like to pay tribute to the numerous women's organizations which worked throughout the conflict to offer support and relief to the most vulnerable, under extremely dangerous and demanding circumstances. They are now determined to use the experience they acquired during the war, and their efforts represent one of the greatest contributions towards re-weaving the social fabric.

43. Nevertheless, the NGO community is going through a crisis. Many organizations which emerged during the war are facing difficulties inherent in the transition from emergency assistance to other activities. Currently, the trend is towards reconstruction and development. There is also the delicate conversion of international projects into national organizations. For all local NGOs, financial sustainability is the most acute problem.

44. In addition, the absence of a comprehensive legal framework for NGOs is a serious gap which endangers their viability and makes them vulnerable to arbitrary treatment. The fact that no real NGO tradition existed before the war makes it even more challenging for young organizations to survive. The

attitude of authorities is often distrustful towards NGOs, particularly those involved in human rights which, by definition, monitor the authorities' behaviour.

45. Despite these precarious circumstances and a sometimes hostile environment, human rights NGOs have been developing throughout the year, including in notoriously difficult areas such as Bijeljina. There is still an imbalance in the NGOs' presence: most are in the Federation, while in the eastern region of the Republika Srpska NGOs are rare, except in Bijeljina. This may be due to the area's high rate of illiteracy and to the local authorities' hostility to independent initiatives.

46. The Special Rapporteur would like to commend the involvement of the many international NGOs in Bosnia and Herzegovina which have played a crucial part in supporting local NGOs and in launching projects. In view of the importance of NGOs in the process of rebuilding civil society, the Special Rapporteur is preparing a special report on local NGOs in Bosnia and Herzegovina.

IV. FREEDOM OF MOVEMENT

A. General situation

47. It will be recalled that freedom of movement includes the right to circulate within the borders of a State without interference from authorities. Freedom of movement is a precondition for the full enjoyment by the inhabitants of Bosnia and Herzegovina of their rights. One may say that disregard for this fundamental freedom constitutes a denial of the country's integral identity.

48. The Special Rapporteur continually receives information showing that freedom of movement is still violated throughout the territory of Bosnia and Herzegovina. Abuses by law enforcement officials of the Federation and the Republika Srpska are most commonly perpetrated near the Inter-Entity Boundary Line (IEBL) and include illegal checkpoints, the imposition of illegal visa fees and road taxes, demand for documents not legally required, confiscation of documents and goods, and even arrests of individuals. For instance, there have been numerous complaints according to which Republika Srpska authorities have requested visa fees from travellers, especially in the Brcko area. Although international observers have stressed that only Bosnia and Herzegovina State authorities - and not those of the entities - are competent in such matters, abuses of this type have continued.

49. These practices constitute clear violations of the Constitution of Bosnia and Herzegovina which states: "There shall be freedom of movement throughout Bosnia and Herzegovina. Bosnia and Herzegovina shall not impede full freedom of movement of persons, goods, services and capital throughout Bosnia and Herzegovina. Neither Entity shall establish controls at the boundary between the entities" (art. I.4).

50. On 15 May 1997, in response to increasing violations of the agreed rules for police checkpoints, the IPTF Commissioner introduced a stricter policy designed to reduce the number of illegal checkpoints throughout the country. Local police are required to submit to IPTF stations a weekly schedule

specifying the number of planned checkpoints as well as their position, time, duration and purpose. All checkpoints not authorized by IPTF are to be considered illegal and dismantled. If local police refuse to remove a checkpoint when ordered, IPTF may request the assistance of the international Stabilization Force (SFOR).

51. The IPTF checkpoint policy is generally respected in the Federation, although violations occasionally occur. There is more resistance in the Republika Srpska, where the police have made it clear that they will not cooperate with IPTF, including on the checkpoint policy. Despite this position, local police in some areas of the Republika Srpska have agreed independently to comply with the checkpoint policy.

52. The absence of a uniform car registration system is an issue of concern since it increases the likelihood of violations of freedom of movement on ethnic grounds. Indeed, cases are frequently reported of police officers in certain localities stopping vehicles displaying a registration plate from elsewhere in the country. These arbitrary practices are clearly discriminatory and constitute a disregard for democratic policing. In the Sintra Declaration of 30 May 1997 (point 60), the Steering Board of the Peace Implementation Council called for the introduction of a uniform car registration system by 1 January 1998.

53. It may be added that obstacles to freedom of movement, particularly between the entities, impair the work of certain professionals such as journalists and lawyers. Despite undeniable progress, many people are afraid to visit areas controlled by authorities of other national groups. The atmosphere of intolerance dominating many areas of Bosnia and Herzegovina exacerbates this problem.

B. Right to voluntary return

54. The rights of refugees and displaced persons to return to their homes is at the heart of the Dayton Agreement. A key objective of the Agreement is to guarantee the safety of returnees and to protect them from harassment, intimidation, persecution and discrimination. This year was expected to be a year when large numbers of refugees and displaced persons would return. According to UNHCR, however, returns have been slower than expected. The agency had estimated that some 200,000 refugees and displaced persons would return in 1997, but by the end of August the actual number was some 83,000 persons.

55. The security of returnees, especially those returning to areas where they would be in the minority, continues to be a serious problem. The international community can provide some security through its presence, but in the long term, only the vigilance of local law enforcement authorities, combined with proper functioning of the judicial system, can ensure favourable conditions for returns. Steps taken in the Federation regarding police restructuring are therefore encouraging. As for the Republika Srpska, the process of police reform is only starting (see section IX below).

56. Many administrative obstacles which may appear insignificant at first also hinder returns due to their cumulative effect. Illegal requests for

visas, customs duties and road taxes prevent freedom of movement and, indirectly, returns. Civil registration, required at the municipal level, is another area of concern. The Special Rapporteur has received reports of discriminatory handling of civil registration applications. Minorities have been denied registration for identity cards in Teslic, Banja Luka and Bijeljina (Republika Srpska). Similar complaints have been received from Drvar (Federation), where the Special Rapporteur raised the problem of registration during her visit in July 1997. As registration is necessary, for example, to collect pensions and humanitarian aid or to register children in school, it is imperative that it be accomplished without discrimination.

57. Another obstacle to returns appears to be excessive retroactive taxation of people who left their municipalities during the war. Both Republika Srpska and Federation authorities have reportedly levied so-called "war taxes", which would tend to deter potential returnees. While not denying the right of the Republika Srpska to tax its citizens abroad, the Special Rapporteur has urged the authorities to apply tax legislation in a fair manner and to exempt refugees and displaced persons from the scope of the law. In the Federation, despite the fact that high-level authorities say that municipalities may no longer require payment of "war taxes", the practice continues to be widespread, notably in and around Tuzla. A recent incident in the Federation involved a Roma community in Banovici municipality, near Tuzla, that was refused civil registration because its members had not paid a DM 300 per month "war tax".

58. During her missions, the Special Rapporteur visited many areas where returns have been especially difficult, including Brcko and Banja Luka (Republika Srpska) and Stolac, Drvar and Jajce (Federation). She has also continued to follow the situation in Bugojno (Federation), where local Bosniak authorities have not allowed Croats to return. She is pleased to note that the pilot project in Stolac has progressed, with almost 50 families having returned. In August 1997, the Special Rapporteur visited Jajce, where Bosniak returnees were forced from town during an incident on 3 August but to which most had returned. She was encouraged by the determination of the returnees to stay in the villages. In her meetings with the local authorities the Special Rapporteur requested that security be provided to the returnees as well as the necessary services to enable them to live in safety and dignity. It is especially important that the authorities comply with the recommendations of IPTF investigations.

59. The Special Rapporteur would like to commend those municipalities participating in the Open City initiative, including Konjic and Vogosca (Federation), and believes that this approach, whereby towns receive financial and material assistance on the basis of respect for human rights and facilitation of minority returns, is the right one. At the same time, she has been deeply discouraged by the fact that almost no one belonging to a minority group has returned to the territory of the Republika Srpska.

V. PROPERTY RIGHTS

A. Legislation and law enforcement

60. Respect for property rights is central to achieving the objective of the return of refugees and displaced persons to their pre-war homes. The decision to return depends on many factors, a crucial one being whether one has a place to live. Property rights should not be interpreted to apply only to privately owned property. Under the pre-war system, the occupants of socially owned apartments enjoyed a high degree of protection, including the right to inherit. Such rights must be taken into account for the successful implementation of the return provisions of the Dayton Agreement.

61. Both entities of Bosnia and Herzegovina have committed themselves to bringing their property laws into compliance with the Dayton Agreement. However, neither had amended its legislation as of the writing of this report. In the Sintra Declaration of 30 May 1997, the Steering Board of the Peace Implementation Council called on the Federation and the Republika Srpska to amend their property laws to enable the full implementation of annex 7 to the Peace Agreement.

62. As long as wartime legislation on abandoned property is applied in a discriminatory manner, the return of refugees and displaced persons will remain blocked. The Special Rapporteur has repeatedly raised the issue with relevant authorities, and she has expressed her support for new draft laws prepared by the Office of the High Representative which seek to better protect property rights. At the same time she recognizes the legitimate concerns of current occupants, often displaced persons themselves, who will inevitably be affected when the amended laws are implemented and pre-war owners are allowed to return to their homes. Therefore, provisions related to appropriate alternative accommodation have to be implemented and funding for housing reconstruction has to follow.

63. In the Federation, according to the current Law on Abandoned Apartments persons who left their socially owned apartments during the war were required to reclaim them by 6 January 1996, only three weeks after the signing of the Dayton Agreement. It is obvious that most refugees and displaced persons could not return by that deadline. If the Law is not amended, these persons will lose their right to return to their pre-war homes. It is estimated that in Sarajevo alone approximately 70,000 persons are affected, among them many Serbs who left for the territory of the Republika Srpska or other destinations after the reintegration of the territory. On the other hand, many persons now occupying the abandoned apartments are displaced persons who have no possibility to return to the Republika Srpska in the foreseeable future, even if property laws there are amended. Thus, it is crucial that the reform of property laws be accompanied by adequate housing reconstruction to provide shelter for all.

64. The Special Rapporteur is pleased to note that Federation authorities have made a commitment to consider the draft laws prepared by OHR. At the same time, the Special Rapporteur has been concerned at media coverage likely to inflame public opinion, and she has urged the media to inform the public objectively about the proposed legislation.

65. In the Republika Srpska, the legislation in effect applies to both privately owned and socially owned property. OHR has also prepared draft laws for that entity to enable pre-war owners of private property and holders of occupancy rights to reclaim their properties. Upon entry into force of the new proposed law, all transactions based on the current legislation will be declared null and void, and no more property will be declared abandoned. Temporary occupants who are ordered to vacate and have no other accommodation will be provided with alternative housing. The OHR draft laws have been submitted to the relevant Republika Srpska authorities. However, due to the recent dissolution of the Republika Srpska National Assembly, it has been impossible to enact the new laws, even if political will exists. The Special Rapporteur has urged the Republika Srpska authorities to enact the laws as a matter of priority.

66. The Special Rapporteur and the OHCHR field staff have continued to monitor property-related human rights violations in Bosnia and Herzegovina. In Banja Luka, a group of persons who had been forcibly evicted, and whose reinstatement had been ordered by the courts, have been trying to enter their homes with the support of international organizations. Local police, themselves illegally occupying flats in many cases, have not been cooperative. However, at the end of July 1997 three reinstatements did take place, giving rise to the hope that a new policy on enforcement of judicial decisions was being implemented in Banja Luka. By August, however, the reinstatements were again stalled.

67. On the Croat-controlled west side of Mostar, illegal and violent evictions were widespread in 1996 and early 1997 but no illegal evictions have been reported since then. However, the Special Rapporteur is not satisfied with the passivity of local authorities who failed to reinstate persons evicted in 1996 and 1997. During her missions to Mostar she strongly urged action by the responsible authorities.

B. Destruction of housing

68. Destruction of housing continued during the period under review throughout Bosnia and Herzegovina. In many cases, the houses involved were clearly targeted with the intent to deter the return of refugees and displaced persons belonging to local minorities. On 2 and 3 May 1997, some 25 houses were set on fire in the Croat-controlled municipality of Drvar (Federation), where displaced Serbs have been trying to return. Houses were also destroyed in the Zone of Separation near Brcko, and in Stolac, where displaced Bosniaks have been returning under a pilot project. In August 1997, four houses were destroyed in Bugojno (Federation), where the return of Croat displaced persons has been blocked by local Bosniak authorities.

69. The Special Rapporteur, who has visited most of these places during her missions, has condemned in the strongest terms these acts of destruction and has demanded that local authorities take the necessary action to arrest and prosecute the individuals responsible. She has been informed that perpetrators of the recent Bugojno incident have been arrested, and will follow events to see if they are punished accordingly.

VI. LIBERTY AND SECURITY OF PERSON

A. Right to life

1. Landmines

70. Landmines laid during the war continue to kill and maim people throughout Bosnia and Herzegovina. Between 1 January 1996 and 29 August 1997, 216 persons died, 531 received serious injuries and 153 received minor injuries according to the United Nations Mine Action Centre (UNMAC). The victims have been mainly civilians, including men and women harvesting crops or collecting wood, and children playing in fields. The number of incidents is likely to swell with the process of return. The Special Rapporteur is convinced that many accidents could be avoided if objective information is provided through the mass media and community initiatives, and for refugees in their host countries. She is aware of the efforts of national and international organizations (including UNICEF, UNHCR and Handicap International) to provide information and has called for additional funding to expand such campaigns. However, she has stressed that primary responsibility for addressing this pressing issue lies with local authorities.

71. Demining, which has proceeded very slowly due to administrative and financial constraints, is a particularly difficult task as many minefields are not marked and are scattered all along the former confrontation line. The Special Rapporteur learned that some persons possessing information are unwilling to provide maps without financial compensation. The Special Rapporteur, who recognizes the crucial importance of demining for the safe return of refugees and displaced persons, has called upon the responsible authorities to speed up the process and wishes to draw the attention of the international community to this urgent issue.

2. The death penalty

72. The Special Rapporteur has noted with concern the survival of criminal provisions permitting courts to pronounce and apply the death sentence. She is even more troubled by rulings imposing capital punishment in cases in both entities.

73. In the Republika Srpska, the Criminal Code, which is a combination of criminal codes of the defunct Socialist Federal Republic of Yugoslavia and the former Socialist Republic of Bosnia and Herzegovina, authorizes the death penalty (art. 36, para. 2). The Special Rapporteur has insisted that the provisions maintaining the death penalty are incompatible with the European Convention on Human Rights and its Protocol No. 6 which stipulates that "the death penalty shall be abolished" and that "no one shall be condemned to such penalty or executed". The legislation is also in contradiction with the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. Nevertheless, this provision has been maintained in violation of the Dayton Agreement, which incorporates the European Convention.

74. In the case of the so-called "Zvornik 7", the Deputy Public Prosecutor in the Republika Srpska on 17 June 1997 lodged an appeal before the Bijeljina District Court, formally requesting the death penalty against three defendants.

75. In the Federation, the Special Rapporteur has noted the case of Sretko Damjanovic who, in 1993, was sentenced to death by a military district court for genocide and crimes against civilians. The sentence was confirmed by the Sarajevo High Court on 30 July 1993. The defendant filed a complaint before the Human Rights Chamber which held its first public hearing on the case on 9 July 1997 (Damjanovic v. Federation of Bosnia and Herzegovina). As of writing, the Chamber had yet to render a decision but had indicated that the case raised serious issues under the European Convention on Human Rights (article 2 and Protocol No. 6). The Chamber also considered that the situation of Mr. Damjanovic, who had been living for four years in fear of being executed, could constitute inhuman and degrading treatment or punishment, in violation of article 3 of the European Convention. The Chamber also invoked the Second Optional Protocol to the International Covenant on Civil and Political Rights.

B. Right to security of person

1. Torture and mistreatment by police

76. Police involvement in human rights violations in both entities remains of concern. Throughout the country, international observers have received abundant evidence of assaults committed by police during stops and arrests of individuals and during their detention. It appears that the maximum period of three days in police custody authorized before a suspect must be brought before an investigating judge is widely used to extort confessions from detainees.

77. During the past few months, IPTF has been conducting investigations into police abuses and has intervened with local authorities, including in Mostar, Brcko, Drvar, Jajce and Gajevi. In the area of Teslic Republika Svpska, ill-treatment by the police of citizens belonging to the Bosniak minority is common. On 12 June 1997, for example, a Bosniak man and his two friends who were riding their bicycles were stopped and assaulted by the police. On the same day, the police stopped and assaulted three other Bosniak men.

78. In June 1997, IPTF released a report on a special investigation into police brutality in the Sarajevo area. Twenty-nine allegations of police abuse committed from 1 January to 15 June 1997 were examined. Five cases, involving six victims, proved to be substantiated. One involved physical ill-treatment of three men in custody at the Stari Grad police station. On 20 August 1997, with respect to this incident, the Ministry of Interior of Sarajevo Canton determined that eight policemen had gone "too far in using force against the offenders". As a result, one officer was permanently dismissed, three others were transferred to other departments, and the four remaining are to be docked 5 per cent of their salary for three months.

79. In the Federation, Una-Sana Canton remains an area of particular concern. A number of cases of ill-treatment by law enforcement authorities

against individuals held on suspicion for common criminal offences, as well as others held on charges of war crimes, have been reported in Bihac, Cazin and Velika Kladusa. On 24 March 1997, in Velika Kladusa, a Bosniak man was beaten on his palms with batons by two police officers. Both were suspended for seven days. On 28 May 1997, two men identifying themselves as supporters of Fikret Abdic were stopped by local police in Velika Kladusa when returning home after having filed a complaint with the police against their neighbours. They were brought back to the police station and taken into a room where they were assaulted during interrogation. IPTF officers later observed bruises on both men's bodies.

2. Illegal detention

80. Regarding illegal detention, the cases of Nenad Skrbic and Dusan Skrebic, two Serbs who were captured by the 3rd Corps of the Bosnian Army and held in Zenica (Federation) prison for 1 1/2 years - in violation of annex 1-A to the Dayton Agreement - are particularly alarming. The men had been listed by the International Committee of the Red Cross (ICRC) as missing since September 1995, and numerous inquiries by international organizations had failed to locate them as the responsible authorities denied knowledge of the men's whereabouts. On 3 August 1997, IPTF and SFOR, in a joint operation, found the detainees and managed to secure their release the following day. The absence of documentation on the cases, and the detention of the men in a separate storage room, away from the main unit of the prison and under special guard, showed they were being purposely hidden. The Special Rapporteur issued a statement condemning the illegal detention and demanding a full investigation and prosecution of those responsible. During her mission later in August she visited the prison in Zenica and again stressed that responsibility should be determined for this grave human rights violation.

81. A lack of respect for the "rules of the road", agreed to by the parties in Rome on 18 February 1996, remains a serious concern. According to the rules, individuals not indicted by the International Criminal Tribunal for the Former Yugoslavia may only be arrested and detained for serious violations of international humanitarian law pursuant to a previously issued order, warrant, or indictment that has been reviewed by the Tribunal and found to be based on sufficient evidence consistent with international legal standards. After entry into force of the Dayton Agreement in December 1995, all war-crimes arrests in both entities, except for the case of Ibrahim Djedovic - an elected representative arrested in the Federation Parliament on 7 May 1997 - were carried out in violation of the Rome Agreement. In all of these cases, complete files were sent to the Tribunal only after the suspect's arrest.

82. The Special Rapporteur was encouraged by the release, on 12 August 1997, of Milorad Marceta from Luke prison in Bihac (Federation). Mr. Marceta was arrested on 25 October 1996, while travelling from Prijedor Republika Srpska to Sanski Most (Federation) on a UNHCR bus, and had been detained since that date. Charged with war crimes and held without a warrant, Mr. Marceta's case was reviewed by the International Tribunal. After his release, the Tribunal determined that there was insufficient evidence for his arrest. Mr. Marceta's arrest and nine months of detention constituted a serious violation of human rights and a breach of the Rome Agreement, and his release alone is certainly an insufficient remedy.

VII. ADMINISTRATION OF JUSTICE

A. General observations on the judicial system

83. The situation of the judiciary in both entities is characterised by problems inherent in an ethnically-divided country and a justice system in transition. Judicial structures have to be adjusted to the requirements of the post-Dayton constitutional situation of Bosnia and Herzegovina and its two entities. In addition, new legislation has to be enacted, integrating European and international human rights standards.

84. Regarding criminal law, in January 1997 the Federation established an expert team which has already presented a draft for a Code of Criminal Procedure and a Criminal Code complying with the minimum requirements of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In comparison, virtually no progress has been achieved in the Republika Srpska, where pre-war criminal and criminal procedure codes are still applicable. The Special Rapporteur is aware of no efforts to amend these laws.

85. Furthermore, the judicial structures differ in the two entities. According to the Constitution, the judiciary in the Federation is basically a cantonal matter. Each canton has its own ministry of justice and the responsibility to set up its own judiciary-related laws, such as the Law on Courts or the Law on Prosecutors. According to the Federation Constitution, only the Code of Criminal Procedure, is a federal matter, with a view to ensuring uniformity regarding the proceedings of all courts.

86. It must be observed that the judicial structure of the dissolved de facto Bosnian Croat regime of the war years is still used in several cantons. Herzegovina-Neretva Canton (Mostar), for example, has two distinct judicial systems. In the Croat-controlled part of the Canton, the Basic Court tries all cases at first instance, regardless of the severity of the sentence. Appeals are exclusively made before the Higher Court in west Mostar, bypassing the federal judiciary. The laws applied by these courts are those promulgated by the former de facto Croat regime.

87. Moreover, in the area of federal criminal legislation reform, Herzegovina-Neretva Canton and Livno Canton did not carry out their constitutional responsibility to delegate enactment of a criminal code to the Federation. As a consequence, the Federal Criminal Code will not be applicable in these cantons which, instead, may enact their own criminal codes.

88. The Republika Srpska has maintained the pre-war judicial system, with a Supreme Court, sitting in Pale, 5 district courts and 26 basic courts.

89. One of the most serious problems with the judiciary, in both entities, is the lack of qualified staff and financial resources. As a result of the conflict and the departure from the country of experienced legal professionals, the replacement of judges and prosecutors moves very slowly. Some vacancies are eventually filled with unqualified lawyers or are simply left open. In Zenica (Federation), of the 28 judges who used to sit on the

Basic Court before the war, only 12 remain. In Velika Kladusa only one of eight judges who served before the war remains. As a result of this situation, the number of pending cases increases constantly, obstructing the carrying out of justice. In addition, the lack of financial resources prevents the establishment of an operative legal aid system meeting minimum European and other international fair trial standards. The Special Rapporteur is concerned at this development as it might make the administration of justice dependent on financial considerations.

B. Independence of the judiciary

90. An independent judiciary is a fundamental element of any society based on the rule of law, and constitutes a crucial guarantee for the protection of human rights. Both the Republika Srpska and the Federation of Bosnia and Herzegovina have failed to abide by this principle in a satisfactory way.

91. Since the last report of the Special Rapporteur, UNHCR field staff have participated in various activities aimed at promoting establishment of an independent judiciary. Staff members are currently preparing a survey on the state of judicial independence in both entities, with a focus on the judicial appointment process.

92. In the Republika Srpska, all currently serving judges were appointed for life by the former de facto Republika Srpska Assembly, mainly in 1992, upon recommendation of the Republika Srpska ministry of justice. In the Federation, each canton is responsible for its own court system, including the appointment of judges, lay judges and prosecutors. The restructuring process has proven to be very difficult due to the interests of the different political and ethnic groups in the Federation and their reluctance to cooperate with one another. The Special Rapporteur is concerned by information implying that in certain cantons, among them Tuzla-Podrina Canton and Zenica-Doboj Canton, judges have been appointed in breach of domestic laws and regulations, as well as international standards.

93. In Canton Sarajevo, the judicial appointment process has been carried out in violation of the rules established under cantonal legislation. In violation of the Cantonal Law on Courts, the appointment process took place in two stages. During the first stage, on 14 and 15 April 1997, only 50 of the 78 judges who had previously served in the three courts of Sarajevo were appointed. No explanation was given as to the legal basis for the selection criteria. A few days later, the Presidents of the Cantonal Court and the two Municipal Courts were elected by the newly appointed judges, whereas the law clearly requires the vote of a two-thirds majority of the total number of judgeships.

94. On 29 May 1997, following the first round, representatives of international organizations expressed their concern over the entire process in a joint letter to the President of the Canton, Dr. Midhat Haracic. The letter pointed out several inconsistencies with the established rules, in particular regarding the election of the presidents of the three courts. It was stressed that the lack of transparency in the procedure and the selection criteria conveyed the impression that the process had been carried out arbitrarily.

95. Although most of the judges disqualified in the first round were eventually appointed or elected in the second, the way the elections were carried out raises serious concerns about the independence of the judiciary, particularly regarding the election of the three court presidents. Due to the prominent role of executive authorities in the selection procedure, the lack of transparency may affect the impartiality of judges and make them susceptible to undue influence.

96. As this issue is closely linked to the guarantee of fundamental rights, in particular the right to a fair trial, the assessment of the election and appointment process throughout Bosnia and Herzegovina remains of great concern to the Special Rapporteur, and she will report on further developments in this area.

C. Right to fair trial

97. By monitoring sensitive trials and intervening with the responsible authorities, the Special Rapporteur and staff of UNHCR have played an active role in supporting the efforts of the Human Rights Coordination Centre of OHR to deter human rights abuses and build confidence in the legal system. A country-wide trial-monitoring project has been undertaken, covering domestic war-crimes trials and others with serious human rights implications, to help ensure basic rights such as the right to an effective legal counsel of one's choice.

98. With the notable exception of the case of Momir Covic, a Serb indicted for war crimes who was acquitted by the Sarajevo Superior Court (Federation) in March 1997 due to lack of evidence, the right to a fair trial and due process has been violated in many instances in both entities. The most prominent example is the "Zvornik 7" case, the trial in Zvornik (Republika Srpska) of seven Bosniak men from Srebrenica charged with murder and other crimes. In a public statement on 25 April 1997, the Special Rapporteur strongly condemned the court's proceedings and qualified the verdict as a "judicial farce".

99. The expedited trial (which only lasted two days), the presentation of dubious evidence and the absence of effective legal counsel all violated minimum international fair trial standards. The examination of witnesses was completed within only 34 minutes, and the prosecutor and the court failed to investigate allegations of police beatings and coerced confessions. Three of the defendants were represented by a Republika Srpska lawyer who was appointed only nine days before the trial. This lawyer was assigned to represent a fourth defendant only three days before trial. Defence lawyers from the Federation chosen by the defendants were not permitted to practise before the court although, as co-counsels with the Republika Srpska lawyers, they should have enjoyed equal rights. Upon instructions from the Republika Srpska Ministry of Justice, they were permitted to act only as "assistants", with no right to address the court directly.

100. The right of access to legal counsel was also violated in the case of Ibrahim Djedovic, a member of the Federation Parliament. Mr. Djedovic was arrested on 7 May 1997, without prior lifting of his immunity. He is currently detained in the Sarajevo prison, charged with war crimes. During

the entire pre-trial investigation, the court denied his right to converse with his defence lawyers in private. After visiting Mr. Djedovic in prison in July 1997, the Special Rapporteur stressed that such practice violates fundamental international human rights standards, as well as the applicable law of the Federation of Bosnia and Herzegovina.

101. The Special Rapporteur notes with particular concern the continuing lack of progress made in the case of Zlatko Memovic, whom she visited in Bijeljina prison in November 1996. Mr. Memovic has been held in prison since 27 February 1994 on charges of war crimes and was sentenced on 23 December 1994 to 11 years' imprisonment. Although the Bijeljina Military Court on 13 October 1995 annulled the verdict and ordered a retrial, he is still in detention with no date set for the retrial having been set.

102. Several interventions by international organizations, addressing in particular the lengthy proceedings, have not resulted in any action. On 19 June 1997, the Ombudsperson opened an investigation in the case. However, her Office's request for the submission of additional documents has not been met and deadlines which it imposed have expired twice. The Special Rapporteur again expresses her deep concern, since Mr. Memovic's detention of more than three years constitutes a grave human rights violation. She calls on the Republika Srpska authorities to comply with the Ombudsperson's requests in this case.

D. Inter-entity judicial cooperation

103. The virtual absence of inter-entity judicial cooperation remains one of the most urgent problems of the judiciary, since it results in violations of international human rights standards guaranteed by the Constitution of Bosnia and Herzegovina. Various matters such as serving of subpoenas and obtaining evidence across inter-entity boundary lines, as well as the admissibility of members of the bar from one entity to practise in the other, are major obstacles to due process and fair trial principles, particularly in the context of domestic war-crimes trials and trials with defendants from an ethnic minority. Thus, in both entities, many trials have been repeatedly postponed or adjourned to facilitate the examination of witnesses living in the other entity, whose presence had been requested by the defendant. Some trials have even been completed without interrogation of witnesses.

104. Although officials from both entities have reiterated the importance of inter-entity judicial cooperation, no real progress has been achieved during the last few months. In a letter in March 1997, the Principal Deputy High Representative encouraged the Presidency of Bosnia and Herzegovina to request from the Council of Ministers the establishment of a Commission on Inter-Entity Judicial Cooperation. So far this initiative, like several other attempts to facilitate cooperation between the entities, has not resulted in any agreement.

IX. LAW ENFORCEMENT AND POLICE REFORM

105. In any society the role of the police should be to support democratic institutions and to protect the human rights and fundamental freedoms of all individuals. The police should focus on serving the community. The police

forces of Bosnia and Herzegovina have failed to act in accordance with these fundamental principles and are responsible for serious human rights violations committed during and after the conflict. The Special Rapporteur believes that wide-ranging reform, including of the culture of the police, will be crucial for improving the human rights situation in the country.

106. The authorities of the Republika Srpska and the Federation of Bosnia and Herzegovina are legally bound to take all possible measures to improve the standard of the police. In the Dayton Agreement, annex 11, the parties agreed to maintain civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms.

107. The Dayton Agreement also established IPTF. In order to assist the parties in implementing their commitments, IPTF is conducting a programme of restructuring of the police, to improve standards and reduce the size of police forces. Before initiation of the programme, the ratio of police to the public in Bosnia and Herzegovina was about 1 policeman per 75 citizens, while the standard in Europe is about 1 per 400. When the restructuring is finalized, it is hoped the ratio will be 1 policeman per 250-300 citizens. While still a high figure by European standards, it is perhaps inevitable due to the difficult post-conflict situation, with attendant high unemployment and social tension.

108. Progress made in the restructuring process varies greatly between the two entities. While in the Republika Srpska initial IPTF training was only conducted in September 1997, restructuring has progressed much further in the Federation.

A. Police reform in the Federation of Bosnia and Herzegovina

109. On 25 April 1996, Croat and Bosniak representatives of the Federation concluded the Bonn-Petersberg Declaration on reform of the police. The parties agreed that the police must conduct their activities with respect for human dignity and basic human rights of all persons. It was agreed that those persons who were not selected to serve as police in the restructured Federation police force would not be allowed to perform law enforcement duties and would not be permitted to carry arms. Those individuals discovered with arms who were not certified by IPTF to serve as police would be treated by IFOR [now SFOR] as armed civilians to be seized and disarmed.

110. To assist in implementing the restructuring efforts, IPTF has been undertaking a Certification Process, the aim of which is to establish a democratic and well-educated police force which, ultimately, will consist of some 11,500 officers (down from 22,000). IPTF will provide a list of eligible candidates, from which local authorities will select policemen. Among those already determined ineligible are many persons who joined the force during the conflict, without any previous experience or training. The authorities must also redress the serious lack of women officers in the Federation police forces.

111. The Certification Process is divided into three phases. The first is administrative and includes, inter alia, a written examination, psychological

test, and participation in a two-day training called the "Police Information Campaign". The training's main purpose is to share knowledge about democratic policing and improve the relationship between local police and IPTF. In order to involve the public in the selection process, all candidates' names are publicly announced.

112. In the second phase, data from the administrative stage is compiled to establish a final eligibility list. Those on the list participate in a four-week training course organized by IPTF, after which they are given provisional police certificates.

113. The third phase, which involves the issuance of a permanent certificate, must be completed within a year from the issuance of the provisional certificate. The file of each policeman is carefully reviewed. To be granted a permanent certificate a candidate must meet the following criteria: appropriate educational background, no criminal record, no record with the International Criminal Tribunal, not responsible for any human rights violations, valid citizenship of Bosnia and Herzegovina, and no official complaint from IPTF for non-compliance. (IPTF issues non-compliance reports when, for example, policemen maintain illegal checkpoints, refuse access to police stations, or threaten or assault members of IPTF or the public.)

114. At the beginning of September 1997, restructuring was formally finalized in the cantons of Sarajevo, Upper Drina (Gorazde), Posavina, Central Bosnia and Neretva (Mostar). Problems remain in the remaining cantons, i.e. West Herzegovina (Ljubuski), Tuzla-Prodinje, Una-Sana (Bihac), Tomislavgrad (Livno) and Zenica-Doboj, but it is expected that all will be formally restructured before the end of September 1997.

115. According to information provided by IPTF, the main obstacle to restructuring has been disputes concerning the ethnic composition of each cantonal police force. Regarding the Neretva Canton (Mostar), the Special Rapporteur in her letter of 3 April 1997 to the Commission on Human Rights expressed concern that a joint police force had not been established. She is pleased to note that on 10 July an agreement was finally reached, after more than a year of negotiations between IPTF and Bosniak and Croat cantonal authorities. The agreement is founded on the principle that the composition of the police in each municipality and the city of Mostar shall be based on the population census of 1991. However, implementation of this agreement, as well as the agreement on Central Bosnia, are encountering difficulties. It seems that their resolution is interrelated: Central Bosnia is Bosniak-dominated, while Neretva is Croat-dominated, and the two parties are making acceptance of their demands in one canton a condition for compromise in the other.

116. Besides the cantonal police, there is also a federal police force in the Federation, which should be restructured by early September 1997. It will consist of about 1,000 officers, of whom some 650 will be assigned to the protection of dignitaries and important buildings, 250 will form an anti-terrorist group, and 80 will serve as criminal investigators.

117. It has been decided that as from 31 August 1997, any remaining police forces in the Federation not certified by IPTF will be considered illegal and

subject to dismantling by SFOR. A continuing question is the role of the Agency for Investigation and Documentation (AID), consisting of some 700-800 men. Croat authorities in the Federation want it to be disbanded, accusing it of working for Bosniak officials on investigations of Bosnian Croats.

B. Police reform in the Republika Srpska

118. According to IPTF's restructuring plan for the Republika Srpska, the number of policemen in the entity should be reduced to some 8,500. The present number is not known, with estimates varying from 10,000 to as many as 50,000 officers. The uncertainty is compounded by difficulties in distinguishing between the army and police forces.

119. The Republika Srpska agreed in principle in September 1996, at the Dublin Conference, to a restructuring of its police forces. However, due to obstruction by the then-Minister of Interior lasting into early 1997, no final agreement with IPTF had been reached at the time this report was written. No negotiations were taking place, and due to the difficult political situation in the Republika Srpska, it was unclear who should be the entity counterpart in such negotiations. It seemed unlikely that an agreement would be reached as long as the political stalemate continued.

120. While concerned that no agreement has been concluded, the Special Rapporteur was encouraged to note that in Banja Luka, in late August 1997, some 800 policemen applied for participation in the Public Information Campaign. At least a part of the Republika Srpska police force will, as a result, acquire basic training and a better understanding of the role of police in society. In addition, if agreement is reached later, these policemen will already have completed a part of the Certification Process.

121. An important element of the political power struggle in the Republika Srpska has been the role of the entity's Special Police forces. Due to their particular arsenal and training, they have been classified as military forces in accordance with the definition contained in annex 1-A to the Dayton Agreement. SFOR has taken over from IPTF the responsibility for supervising these forces.

IX. FREEDOM OF EXPRESSION

122. Violations of freedom of expression remain common, as reflected in the high number of cases brought before the OSCE Media Experts Commission. Incidents reported range from intimidation by authorities to less frequent instances of physical violence against journalists.

123. Throughout the territory of Bosnia and Herzegovina, journalists are first of all confronted with obstructions to freedom of movement. It is difficult for journalists to conduct research and interviews in the entity other than their own, which limits the scope of reporting and impairs objectivity. Furthermore, journalists are affected by the lack of telecommunications links between the two entities.

124. In addition, in many places, only publications presenting the political views of those holding local power are available. OSCE has been especially active recently in initiating round-table discussions among members of the media. The organization has established a press network aimed at opinion makers (NGOs, government officials, etc.) which distributes some 17,000 copies of 28 different publications per month between the entities. To reach the broader public, OSCE has also set up reading rooms in Banja Luka, Mostar and recently in Bijeljina. These encouraging programmes will probably be expanded to other areas.

125. However, while there is concern about the inter-entity situation, the intra-entity pattern is just as worrying. At this level, common violations against journalists include threats of suspension, actual suspensions, confiscations of material and beatings by police. Violations of international standards also occur in the unprofessional conduct of some journalists who broadcast or publish hate speech.

126. In the Republika Srpska the broadcast sector is mostly controlled by SDS supporters, while the few stations which try to remain independent are often subjected to pressure. Municipal authorities can block access to transmission facilities at any time. There is, however, more pluralism in the print media with several independent magazines available, although they depend largely on aid from the international community and are in a vulnerable position. International initiatives are under way to set up a printing house to help ensure financial sustainability and establish distribution networks, especially in the eastern Republika Srpska one of the most difficult areas.

127. The political crisis in Republika Srpska has highlighted the resort to propaganda by the SDS-controlled media. This has encouraged some editors and journalists willing to produce independent reports to express their disapproval of official media manipulation. Thus, Serb TV in Banja Luka has severed itself from Pale. The international community has protested against the wave of official propaganda in the Republika Srpska. The High Representative, Mr. Carlos Westendorp, addressed a letter in September 1997 to the Serb member of the Presidency of Bosnia and Herzegovina, expressing concern about "the role of the State media in acting as a mouthpiece for inflammatory statements issued by RS authorities". Recalling point 70 of the Sintra Declaration, he stressed that media networks or programmes violating Dayton principles could be suspended.

128. In Croat-controlled areas of the Federation, particularly in the Herzegovina-Neretva region, the media - both print and broadcast - do not enjoy much independence, as they are closely connected to HDZ. Diversity only comes from publications imported from Croatia.

129. The media in other areas of the Federation, including Sarajevo, are characterized by the widest diversity. Nevertheless, this pluralism depends largely on assistance from the international community, with Studio 99, for instance, being supported by UNESCO.

X. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

130. Bearing in mind that all human rights are universal, indivisible and interdependent, the Special Rapporteur considers it important to mention economic, social and cultural rights, noting that Bosnia and Herzegovina is a party to the International Covenant on Economic, Social and Cultural Rights. This instrument covers such rights as the rights to work, to social protection and to access to health care, education and culture, all without discrimination.

131. The conflict and the difficult transition to a market economy have converged to create a bleak economic situation throughout Bosnia and Herzegovina. The flow of international funds, though indispensable for reconstruction, cannot solve matters alone. The international community torn between the wish to help the population and adherence to the "principle of conditionality" faces a dilemma. Indeed, in some municipalities of the Republika Srpska residents are the hostages of hard-line leaders who refuse to cooperate with the international community, thereby depriving them of economic assistance. Such aid is indispensable as in Bosnia and Herzegovina, the average wage is low (some DM 400 for the Federation and DM 250 in the Republika Srpska) and the rate of unemployment high, reaching more than 90 per cent in some towns.

132. To further darken this gloomy picture, many cases of employment discrimination are reported. At the end of July 1997, the International Labour Organization (ILO) was informed of numerous cases of minority workers being fired on the grounds of national background, especially in the Republika Srpska and in Croat-dominated areas of the Federation. In particular, ILO was notified about a company in Livno which had fired 50 Bosniak workers.

133. The Special Rapporteur is deeply concerned over the fate of the elderly, who are in a particularly vulnerable position. Pensions are extremely low and in any case insufficient to meet basic survival expenses. There are numerous instances of working people supporting their older relatives while their wages barely enable them to cover their own expenses.

134. Among the most vital social rights access to health care is especially problematic. While health care used to be free, charges have been introduced, except for certain categories of people such as children and the elderly. Many medical professionals left the country and some died during the war.

135. With respect to cultural rights, there is concern about education. Although the educational system has traditionally been of high quality, it is having problems related mainly to the decentralization process. Different curricula are now used and there may be a need for their harmonization. Furthermore, some textbooks are marked by ethnic bias and propaganda, which is not conducive to a spirit of reconciliation and tolerance. As for access to education, some incidents have occurred in which minority children have been prevented from attending certain schools, as noted in the Federation Ombudsmen's 1996 report on the situation of human rights (April 1997).

XI. MISSING PERSONS

A. General situations

136. The exact number of persons missing as a result of the conflict in Bosnia and Herzegovina is unknown. The most reliable figures are those provided by ICRC, which are based on the number of tracing requests it has received. According to the most recent information obtained by the Special Rapporteur, this number amounts to 19,380 persons. Some governmental authorities, however, estimate the number of missing to be closer to 30,000. According to ICRC, the number of clarified cases as of September 1997 was 1,133.

137. There are two main methods to determine the fate and whereabouts of the missing. One involves the examination of information provided by local authorities, while the other is the conducting of exhumations and subsequent identification procedures. The most important means to resolve cases should be information provided by local authorities; however, they have often failed to respond satisfactorily to ICRC's tracing requests and frequently provide imprecise information.

138. The Special Rapporteur would like to emphasize that the parties have not only a moral obligation to determine the fate of missing persons, but a legal one as well. As parties to the Dayton Agreement, they are to "provide information through the tracing mechanisms of the ICRC on all persons unaccounted for ...[and to] cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for" (annex 7, chap. 1, art. V). They are also, in accordance with article IX, to cooperate fully with national, as well as international actors dealing with the issue.

1. Exhumations

139. There are approximately 400 mass graves in Bosnia and Herzegovina, according to information provided by the International Criminal Tribunal for the former Yugoslavia. The main obstacle to exhumations has been the lack of access by authorities of one entity to remains located in territories controlled by the other.

140. An agreement regarding the procedure for joint exhumations was reached in Banja Luka on 25 June 1996 which provided, inter alia, for expert representation by both parties involved, methods to notify of the intent to exhume, participation by representatives of the international community, on-site security and related measures. No joint exhumations took place, however, following the agreement. The parties met again on 4 September 1996 to further define a course of action and concluded the so-called "Airport Agreement", reaffirming provisions of the Banja Luka Agreement. In the autumn of 1996 and May 1997, mortal remains were collected at four sites, two in the Federation and two in the Republika Srpska. No further agreement has been reached concerning sites to be exhumed.

141. Exhumation and identification activities are technically complicated, time-consuming and costly. In some cases, especially concerning mass graves

in the Srebrenica area, exhumations and subsequent identification efforts have not led to positive identifications of all the bodies. Many factors affect the process, including the size of the mass grave, the circumstances surrounding the disappearances and the time elapsed since the deaths.

2. Detention issues

142. Allegations of "secret" or "hidden" detention continue to preoccupy organizations dealing with missing persons. The Special Rapporteur is aware that in a vast majority of cases, these allegations are not well founded and no evidence has been produced to substantiate claims that large numbers of missing persons are held in secret detention centres. However, the recent case (see section VII above) of two Bosnian Serbs found secretly and illegally detained in the Zenica prison illustrates the need for an effective mechanism to respond to such allegations.

B. Mandate and role of the Special Rapporteur

143. The United Nations body normally dealing with missing persons is the Working Group on Enforced or Involuntary Disappearances. However, due to the extraordinary nature of the problem in the former Yugoslavia, and the fact that the mandate of the Working Group does not cover disappearances resulting from international armed conflict, a special arrangement was made: the Commission on Human Rights, at its fiftieth session in 1994, decided by resolution 1994/72 to establish a "special process" to deal with the problem of missing persons in the territory of former Yugoslavia. Mr. Manfred Nowak, a member of the Working Group on Enforced or Involuntary Disappearances, was appointed as expert in charge of the process. Initially a joint mandate with the Special Rapporteur, the process was later (by resolution 1995/35) transformed into an independent mandate.

144. Upon termination of the expert's mandate, the Commission on Human Rights expanded the mandate of the Special Rapporteur to cover the issue of missing persons. She was requested: (a) to consult with Mr. Nowak so that appropriate arrangements could be made to assume the functions concerning missing persons performed by him to the date of his resignation; (b) to act on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative, and the Working Group on Missing Persons chaired by ICRC and attendance at meetings of the International Commission on Missing Persons; (c) to contribute to a smooth transition between the mandate of the expert and the organizations to which his functions were to be transferred; and (d) to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia.

145. In responding to these requests, the Special Rapporteur considers her role to be primarily that of advocate on the issue of missing persons. During her missions to the region she has paid and continues to pay particular attention to the problem. She keeps in close contact with relatives and associations of relatives and recognizes that they are in great need of material and psycho-social support. She closely follows and supports the efforts of local authorities, as well as those of NGOs and intergovernmental

organizations to carry out exhumations and identifications. Neither she nor the UNHCHR field officers, however, have the resources or expertise to conduct such activities on their own.

146. The Special Rapporteur interds to follow up on selected individual cases based on requests submitted to her or to UNHCHR field staff. However, since the resources of the field operation are limited, and to avoid duplication of the work done by others, she will transmit most cases to the appropriate local authorities. She will also support international actors, mainly ICRC and IPTF, in their tracing activities.

C. Activities of national and international actors

1. National authorities

147. The main responsibility for resolving the fate of the missing persons lies with the local authorities, mainly the three commissions: the State Commission of Bosnia and Herzegovina for the Tracing of Missing Persons, the Office for the Exchange of Prisoners and Missing Persons of the Croatian Side of the Federation of Bosnia and Herzegovina, and the State Commission of the Republika Srpska for the Exchange of Prisoners of War and Missing Persons. They have, as noted above, a legal obligation to cooperate with other entity authorities, as well as with the international organizations involved. Due to the apparent lack of political will, especially from the Republika Srspka and Bosnian Croats, cooperation on joint exhumations has been stalled and no agreement reached on sites to be exhumed. The Special Rapporteur is deeply concerned at the non-cooperative behaviour of national authorities, and is appalled by bargaining which takes place regarding exhumation sites and the exchange of bodies.

148. Aware of the needs of the national authorities conducting exhumations and identifications, the Special Rapporteur is pleased to note that the International Commission on Missing Persons (ICMP), chaired by Mr. Cyrus Vance, has provided funds and that Physicians for Human Rights (PHR) has assessed needs and continues to provide supplies and training to local expert teams.

2. Expert Group on Exhumations and Missing Persons

149. The Special Rapporteur or her representative has participated regularly in meetings of the Expert Group on Exhumations and Missing Persons, chaired by OHR. Under the auspices of the Expert Group, all the actors involved - OHR, ICMP, ICRC, PHR, SFOR and the United Nations - have shared information on their activities. The Special Rapporteur is of the opinion that by sharing information and discussing a common approach to the issue, the Expert Group has been successful. She remains, however, concerned that the political leverage used by the international community to put pressure on the responsible authorities has been insufficient.

3. United Nations

150. The work of the United Nations International Criminal Tribunal for the former Yugoslavia in conducting exhumations has been fairly successful. It

has been assisted by UNMAC, as well as by IPTF which has helped to ensure that exhumations are conducted in a dignified manner. However, these organizations are in urgent need of additional funding to continue their work.

4. Intergovernmental bodies

151. ICMP, to which the Special Rapporteur is an adviser, held meetings in Zagreb on 21 March 1997 and in Belgrade on 20 June 1997. After she was asked to serve as the United Nations official responsible for following the question of missing persons, the Special Rapporteur was represented at the Belgrade meeting by a UNHCHR officer. ICMP aims at using its collective political influence to help resolve the problem of missing persons in the region. To this end, it has asked Governments to appoint high-level representatives to participate in its work. So far, however, the appointed representatives have not participated, possibly reflecting a lack of political commitment to address the issue.

152. ICMP supports different projects in Bosnia and Herzegovina. The Ante-Mortem Database Project conducted by Physicians for Human Rights (together, previously, with the Boltzmann Institute for Human Rights based in Vienna) is partly funded by ICMP. The project compares ante-mortem and post-mortem data and investigates other elements for the identification of mortal remains, including those exhumed from the Srebrenica area.

153. In the spring of 1997, a forensic needs assessment was carried out by PHR. As a result, ICMP funded the Forensic Logistics Assessment Project, which provides materials and tools needed for exhumation and identification. ICMP has also funded demining of exhumation sites. However, again due to the lack of cooperation by both entities, only a fraction of the demining resources could be used.

154. The Special Rapporteur, deeply concerned at the precarious situation of the family members of the missing, welcomed the establishment of the Family Fund of the ICMP, which is to provide assistance to them.

5. Non-governmental organizations

155. The ICRC-chaired Working Group on the process for tracing persons unaccounted for in connection with the conflict was created by the Dayton Agreement as the main mechanism to trace missing persons. Despite the commitments undertaken by the parties, however, only a small number of answers have been provided to tracing requests. This has resulted in frustration of family members as well as other participants and observers in the Working Group. The Working Group did not meet between 30 January and 17-18 July 1997, when it held its eleventh session in Geneva. It has become apparent that new procedures and structures are needed to achieve results.

156. The Special Rapporteur was not invited to attend the session of the Working Group in Geneva and is not in a position to evaluate if there was any progress; it is too early to tell if the commitments made by the parties during the session will be respected. However, she fully supports the efforts of ICRC to step up its tracing efforts and urges the parties to cooperate fully with ICRC.

157. The Physicians for Human Rights International Forensic Programme was established in Tuzla in July 1996. It includes four projects aimed at facilitating identification: the Ante-mortem Database Project, the Identification Project, the Forensic Monitoring of Exhumations in Bosnia and the Forensic Logistics Assessment Project. The pilot project of identification carried out by the Governments of Finland and the Netherlands in 1996 continued in 1997 in the form of providing training and advice to local forensic teams, in coordination with PHR. The Special Rapporteur visited PHR in Tuzla in July 1997 to learn more about its activities. She would like to praise the professionalism of the staff as well as its strong commitment to solve the issue of missing persons.

XII. CONCLUSIONS AND RECOMMENDATIONS

A. Right to life

158. Mines continue to kill and maim the people of Bosnia and Herzegovina. The demining process has been too slow and is hampered by serious shortages of funding.

159. The right to life in Bosnia and Herzegovina is also seriously endangered for other reasons. Cases of ethnically motivated killings continue to be reported, in particular targeting returnees, and the police seem unable, or unwilling, to provide adequate protection. The death penalty is still being pronounced.

160. The Special Rapporteur recommends:

(a) That the demining process be accelerated and become a part of the planning process for projects for returnees, and that mine information campaigns, specifically designed for different target groups, such as children and returnees, receive additional support;

(b) That the relevant authorities in the Republika Srpska and in the Federation of Bosnia and Herzegovina undertake without delay legislative measures to eliminate the provisions of the criminal codes providing for the death penalty to be pronounced and applied;

(c) That the relevant authorities in the Republika Srpska and in the Federation of Bosnia and Herzegovina revoke all death sentences.

B. Right to liberty and security of person

161. Reports continue to reveal cases of police involvement in beatings and harassment of members of the public. Illegal arrests and detentions continue to occur. The disrespect shown by authorities from all political groups for the so-called "rules of the road" governing arrests of suspected war criminals is seriously hampering the implementation of the Dayton Agreement.

162. The Special Rapporteur recommends:

(a) That the relevant authorities comply with recommendations made by IPTF, and in particular that prosecutorial offices and the courts carry out their duty to prosecute and try police officials who, after impartial investigation, are believed to be responsible for abuses;

(b) That such proceedings be monitored by representatives of the international community;

(c) That the relevant authorities comply with the rules agreed upon in the Rome Agreement, the so-called "rules of the road";

(d) That every individual detained without legal grounds be released immediately;

(e) That the Security Council consider further strengthening of the IPTF mandate by expanding its authority to impose sanctions for non-compliance with its recommendations.

C. Right to fair trial and independence of the judiciary

163. The right to a fair trial has not been satisfactorily observed and implemented in Bosnia and Herzegovina. Numerous cases reveal a disregard for the right to an adequate defence. The principle of an independent judiciary has not been achieved.

164. The Special Rapporteur recommends:

(a) That the relevant authorities comply with recommendations concerning trials where international observers have concluded that the rights of the defendant(s) were violated, and that retrials be ordered where appropriate;

(b) That the relevant authorities review and, where necessary, change the procedures for the appointment of judges in order to comply with relevant international standards and ensure judicial independence.

D. War criminals

165. Perpetrators of war crimes must be brought to justice. At present a large number of war criminals enjoy impunity; a number of them also hold positions of power. The operation by SFOR in Prijedor in July 1997, resulting in the apprehension of one war-crimes suspect and the killing of another who resisted arrest, showed increased resolve on the part of the international community. The resolution of this issue is crucial for reconciliation and democratization to take place.

166. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities ensure that those indicted for war crimes by the International Criminal Tribunal, in particular those belonging to their own ethnic group, be arrested and extradited to The Hague;

(b) That SFOR, acting in accordance with its mandate, intensify its efforts to apprehend those indicted.

E. Freedom of movement

167. Although some improvements have been noted concerning respect for freedom of movement, serious restrictions remain. People are afraid to cross the Inter-Entity Boundary Line and local police, particularly in the Republica Srpska, use various methods to prevent the free movement of people.

168. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities cease all practices which limit freedom of movement, such as the imposition of illegal fees or taxes, illegal requests for visas and other documents, and arbitrary arrests;

(b) That the relevant authorities in both entities adopt a uniform car-registration system for use throughout the country, as stipulated in the Sintra Declaration of 30 May 1997;

(c) That the relevant authorities in both entities punish law enforcement officials responsible for violating freedom of movement.

F. Right to return

169. The right to return has been implemented by the parties only slowly, and returns have been principally to areas where returnees are of the same national group as the local majority. Obstacles to return have included both acts of violence against returnees and their properties, as well as administrative measures such as illegal demands for visas and taxes. Limited but encouraging progress has been made in a few areas of long-standing concern, including Stolac and Jajce.

170. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities abide by their obligations under the Dayton Agreement to facilitate returns on as large a scale as possible;

(b) That international agencies persevere with their programmes to facilitate returns, such as the UNHCR Open City project, which are starting to bear positive results;

(c) That international donors make financial aid conditional on minority returns;

(d) That countries hosting refugees from Bosnia and Herzegovina, in accordance with UNHCR's recommendations, should not pursue forced repatriation at this time.

G. Property rights

171. Legal regulations affecting occupancy rights and the right to private property are among the main factors preventing the return of refugees and the displaced. The unwillingness of the ruling parties in both entities to repeal this legislation and accept proposals made by the Office of the High Representative adversely affects the human rights of most of the population.

172. The Special Rapporteur recommends that the relevant authorities in both entities amend their property laws as proposed by OHR to enable pre-war occupants to reclaim their properties.

H. Freedom of expression

173. Freedom of expression is seriously restricted in Bosnia and Herzegovina. All main electronic media are under the control of the main political parties. The situation is particularly serious in the Republica Srpska and in Federation territory controlled by the Bosnian Croats. The Special Rapporteur acknowledges the establishment of various independent television and radio stations. Their influence on public opinion is not yet significant but they represent an encouraging development. The recent declarations of State-television employees in Banja Luka show that journalists are aware of the need for objectivity in their work.

174. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities put an end to various forms of pressure exerted on the media, and that they take steps to promote pluralism and independent voices in public communication;

(b) That the relevant authorities in both entities broaden telecommunications links between the entities and take other measures to increase inter-entity exchange of information.

I. Missing persons

175. The parties have failed to respect their obligations to take all possible measures to determine the fate of the missing, a step which is of paramount importance for the process of reconciliation. Efforts have to be strengthened to verify allegations of "secret" detention throughout the country, which may lead to discovery of "missing" persons.

176. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities adopt an approach to the issue of missing persons based on cooperation with authorities of the other entity or other national backgrounds;

(b) That the international community provide more support, both financial and in the form of expertise and equipment, to conduct exhumations and identifications;

(c) That the international community place additional pressure on the parties to undertake joint exhumations;

(d) That IPTF become more involved in exhumation activities by attending meetings of the OHR Expert Group on Exhumations and Missing Persons;

(e) That international agencies establish an efficient and transparent mechanism to respond systematically to allegations of "secret" detention;

(f) That the relevant authorities in both entities establish strict control of the prisons, including inspections by qualified and experienced inspectors and systematic registration of detainees.

J. Law enforcement and police reform

177. There have been positive developments in the cantons of the Federation of Bosnia and Herzegovina regarding restructuring of the police. Successful police reform will be critical in inspiring greater public confidence in security of person and property. In the Republika Srpska an agreement on the restructuring of the police has not been reached, but it is encouraging to note that a part of the Republika Srpska police force is participating in IPTF-sponsored training.

178. The Special Rapporteur recommends:

(a) That the relevant authorities in the cantons of the Federation where outstanding issues remain resolve these promptly in order for a restructured police force to start functioning efficiently;

(b) That the relevant authorities in the Republika Srpska should enter into a restructuring agreement with IPTF without further delay.

K. National human rights institutions and redress mechanisms

179. The Human Rights Ombudsperson, the Human Rights Chamber, the Commission for Real Property Claims and the Federation Ombudsmen play key roles in addressing violations of human rights and furthering the rule of law in Bosnia and Herzegovina. Their success is critical for the peace process to move forward. These institutions must receive a strong commitment from the international community of continued and stable support.

180. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities offer their full and unequivocal support to the human rights institutions and comply fully with their findings and recommendations;

(b) That the authorities in the Republika Srpska consider establishing an ombudsman's office for that entity.

L. Human rights reporting obligations

181. Through reports to international treaty bodies, Bosnia and Herzegovina could highlight areas of difficulty so as to obtain appropriate advice and assistance. Full engagement with these mechanisms can serve to strengthen the country's observance of internationally accepted human rights standards.

182. The Special Rapporteur recommends that the Government of Bosnia and Herzegovina comply with its reporting obligations to United Nations treaty bodies.

M. NGOs and civil society

183. The role of non-governmental organizations in reconstruction and reconciliation is fundamental. NGOs are having an increasingly valuable influence on the rebirth of civil society in Bosnia and Herzegovina. However, their dynamism and activities are hampered by inadequate laws and unfocused donor policies.

184. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities endeavour to adopt a comprehensive law covering NGOs and remove provisions burdening their activities and restricting their independence, such as confusing registration procedures and excessive taxation;

(b) That donors adopt a coherent and long-term approach towards national NGOs to ensure their successful development.

Annex 1

REVIEW OF THE SPECIAL RAPPORTEUR'S PAST RECOMMENDATIONS AND ASSESSMENT OF THEIR IMPLEMENTATION

3 November 1995-29 January 1997

Following is a review of the recommendations made by the Special Rapporteur since she issued her first report in November 1995, and an assessment of the extent of their implementation. It appears that most recommendations made by the Special Rapporteur have not been implemented. Thus, almost two years after Dayton, tremendous efforts still have to be made in the field of human rights at the political, legislative and administrative levels. Indeed, institutional paralysis and a lack of political will have prevented the positive evolution of the human rights situation.

I. GENERAL HUMAN RIGHTS COMMITMENTS

A. Human rights policy

"Demonstrated respect for human rights must be a precondition to any initiative for the large-scale return of Bosnians back to their country. Such respect must also be a precondition to major reconstruction aid, as distinguished from continuing humanitarian assistance" (E/CN.4/1996/63, para. 59).

"... the parties must genuinely re-commit themselves in 1997 to the genuine promotion and protection of human rights ..." (E/CN.4/1997/56, para. 51).

Comment

Overall, the human rights situation has improved although much remains to be done. All parties have indeed re-committed themselves to the protection and promotion of human rights, but implementation has to take place without delay in many areas.

B. Respect for human rights institutions

"... the authorities should provide greater support to the Federation Ombudsmen, as well as to the mechanisms created by the Dayton Agreement which form the Commission on Human Rights ... The recommendations of these institutions should be given a meaningful response" (E/CN.4/1997/9, para. 33).

"[... the Office of the Federation Ombudsmen and the Dayton-created Commission on Human Rights] must receive strong political and financial support from national authorities and the international community" (E/CN.4/1997/56, para. 61).

Comment

The Federation Ombudsmen have been conducting remarkable work despite major obstacles. In their annual report for 1997, the Federation Ombudsmen deplored a "low level of cooperation", stressing that "due to the lack of implementation of the Constitution and the absence of true federal bodies on all levels, the office of the Ombudsmen was not able to fully exercise its constitutional powers". They also deplored general ignorance of the existence of their institution, even among certain authorities.

As for the Commission on Human Rights, its Ombudsperson component has been very active but authorities respond inconsistently. On 5 May 1997, at a press conference coinciding with the release of her first annual report, the Ombudsperson stated that "if Bosnia and Herzegovina and its two entities want to be credible in their willingness to guarantee human rights ... they have to cooperate seriously with the annex 6 institutions, which are, after all, institutions of Bosnia and Herzegovina".

Financial support for these institutions remains severely limited, hampering their effectiveness.

C. Creation of human rights institutions

"The Special Rapporteur strongly recommends that the authorities of the Republika Srpska establish an Ombudsman institution in that entity" (E/CN.4/1997/56, para. 61).

Comment

The authorities of the Republika Srpska have not established an Ombudsman institution.

II. LIBERTY AND SECURITY OF PERSON

A. Conduct of law enforcement officials

"The authorities of Republika Srpska must take immediate action to halt the specifically election-related and the many other human rights abuses in the entity. It must act to impose police and local authority discipline and afford real protection to those at risk" (E/CN.4/1997/5, para. 37).

"The authorities in the Federation should ensure the eradication of all discriminatory practices by public officials at whatever level, as well as by the police. In Croat-controlled areas, this will require a fundamental reassessment of policy" (E/CN.4/1997/5, para. 38).

Comment

Violations of liberty and security of person have continued throughout the territory. The Special Rapporteur expresses particular concern over the fact that law enforcement officials often fail to protect the targets of

intimidation and abuse, and sometimes actively participate in the commission of such acts. Local authorities have rarely taken action to put an end to such practices, which generally affect minority populations and returnees.

Within the Federation, police reform has begun and may bring about positive results. As for the Republika Srpska, the Interior Ministry has openly contested the IPTF police reform policy and rejected the certification process. However, in August 1997, following investigations into police activities in the Republika Srpska, the restructuring process of the police was initiated by IPTF.

B. Freedom of movement

"The authorities in both entities must take immediate action to achieve de facto freedom of movement country-wide ... (E/CN.4/1997/5, para. 39).

"Freedom of movement, one of the clearest signs of a society at peace with itself, must be vastly improved in the months to come. The country's authorities must issue unambiguous instructions to local police to cease harassment and intimidation of travellers, who under no circumstances should be detained ... The so-called "rules of the road" agreed to by the parties at Rome in February 1996 must be scrupulously observed ..." (E/CN.4/1997/56, para. 52).

"The Special Rapporteur endorses the proposal to implement a system of uniform car registration plates throughout the country ..." (E/CN.4/1997/9, para. 31).

"The Special Rapporteur continues to advocate the immediate introduction of uniform vehicle licence plates throughout the country ..." (E/CN.4/1997/56, para. 52).

Comment

Although some progress has been achieved, freedom of movement is still subjected to arbitrary and illegal restrictions. Violations of freedom of movement occur in particular between the entities, in disregard for the territorial unity of Bosnia and Herzegovina.

The introduction of uniform licence plates would be important since persons driving vehicles displaying plates from a different entity are more easily made targets of harassment. The Sintra Declaration set January 1998 as the deadline for the adoption of such a measure, stipulating that after this date, "only cars with the new number plates, agreed by the authorities of Bosnia and Herzegovina, should be allowed to cross international borders" (point 60). However, the wording of this point does not seem to imply the imposition of sanctions within the territory of Bosnia and Herzegovina.

There have been several instances of violations of the "rules of the road", involving the arrest and detention of individuals who were not indicted by the International Criminal Tribunal, and without prior submission of incriminating evidence to the Tribunal.

III. ARREST AND PROSECUTION OF WAR CRIMINALS

A. Cooperation with the International Criminal Tribunal

"All Governments and relevant authorities must extend their cooperation with the International Criminal Tribunal for the former Yugoslavia with the aim of punishing perpetrators of war crimes" (A/50/727-S/1995/933, para. 116).

"The Special Rapporteur reiterates her call for the apprehension and transfer to the International Criminal Tribunal at The Hague of all indicted war crime suspects" (E/CN.4/1997/9, para. 35).

"The apprehension of indicted war-crime suspects should receive the highest priority" (E/CN.4/1997/56, para. 59).

Comment

On the whole, the Special Rapporteur observes that cooperation has remained limited, as all parties have refused to surrender war crime suspects to the International Criminal Tribunal. In particular, Republika Srpska authorities maintain that their Constitution does not authorize the extradition of its citizens. The Special Rapporteur stresses that the refusal to surrender war crime suspects to the Tribunal violates the provisions of the Dayton Agreement, which supersedes the Republika Srpska Constitution.

B. Domestic war crimes trials

"The local authorities should take steps to ensure that local war crimes trials are conducted according to internationally recognized standards, and in particular that the right to open and public trial is respected. International monitors should be provided full access to trial proceedings" (E/CN.4/1997/9, para. 35).

Comment

International observers have been able to monitor local war crimes trials. One may deplore the fact that suspected war criminals are never tried within their own communities. Additionally, irregularities have been noted in most trials. For example, Republika Srpska authorities have denied Federation lawyers the right to practise in Republika Srpska courts in cases involving defendants belonging to ethnic minorities. The Special Rapporteur has also noted several cases in which the right of a defendant to consult his lawyers in privacy has been denied.

IV. RIGHT TO VOLUNTARY RETURN AND TO PROPERTY

A. Right to voluntary return

"The Government of Bosnia and Herzegovina should take without delay all necessary steps to create conditions for the safe return of Bosnian Muslim refugees from the Velika Kladusa region" (A/50/727-S/1995/933, para. 113).

"If Bosnia and Herzegovina is to maintain its unique national identity, citizens must be allowed to settle anywhere in the country they wish, in accordance with the law ... The Special Rapporteur believes that all efforts for safe resettlement in minority areas must be vigorously pursued ..." (E/CN.4/1997/56, para. 53).

Comment

The issue of returns remains one of the country's most acute problems. Returns have been hindered by a host of practical and administrative obstacles as well as outright political hostility. Even pilot projects conducted under UNHCR auspices have been postponed repeatedly because potential returnees were subjected to various forms of harassment, from destruction of property to physical attack. These crimes have taken place with virtually full impunity.

However, returns have started to increase slowly since spring 1997, and there are currently greater efforts by some municipalities to accept minority returns. UNHCR's Open City project represents an encouraging example of this progress.

B. Right to property

"As an urgent step, the property of the displaced must be secured and conditions be created to facilitate and encourage return" (E/CN.4/1997/5, para. 37).

Comment

In many cases, the property of displaced persons and refugees has not been protected. On the contrary, it has been occupied by non-owners, with the tacit or open approval of the authorities concerned, when it has not been the target of arson and other destructive attacks.

"Laws on the allocation of abandoned property which are inconsistent with the Dayton Agreement and international law must immediately be repealed" (E/CN.4/1997/56, para. 55).

Comment

The laws on abandoned property, in both the Federation and the Republika Srpska, contain provisions which are in contradiction with the Dayton Agreement and international standards, often hindering the right to voluntary return. In the Sintra Declaration, both entities have been urgently requested to amend their property laws.

V. FREEDOM OF EXPRESSION

"... all legal, administrative and financial restrictions imposed on the media by the authorities ... should be removed" (A/50/727-S/1995/933, para. 109).

"[The Special Rapporteur] strongly recommends that the simple steps be taken of making publications and broadcasts from both sides easily available in each entity, and improving telephone communications between the entities" (E/CN.4/1997/56, para. 60).

"All relevant measures, including legislative provisions, must be vigorously pursued to suppress the dissemination of war propaganda and speech which advocates inter-ethnic hatred. Substantial improvements in media freedom must also be made immediately to ensure the validity of upcoming elections in Bosnia and Herzegovina ..." (E/CN.4/1996/63, para. 209).

"In ... the Federation much needs to be done by all levels of Government to encourage and ensure an open and fair political climate which permits unhindered campaigning by opposition parties" (E/CN.4/1997/5, para. 38).

"The authorities in both entities must take immediate action ... to create conditions for inter-entity campaigning" (E/CN.4/1997/5, para. 39).

Comment

Inter-entity distribution of publications, with the exception of initiatives organized by international agencies, remains extremely limited. Moreover, it remains difficult for journalists from one entity to travel to or communicate with the other entity. The work of journalists further hindered by the virtual absence of telephone links between the two entities. While the resort to hate speech has become less flagrant and frequent, there are still instances of inflammatory statements and biased comments on all sides.

VI. RIGHTS OF THE CHILD AND EDUCATION

A. Protection of children

"The children ... should be the first priority of all concerned parties [who] should strictly implement the [Convention on the Rights of the Child]" (A/50/727-S/1995/933, para. 110).

Comment

While children certainly constitute one of the most vulnerable groups on whom the effects of the war were particularly acute, it seems that they are still not considered a priority. However, the Special Rapporteur welcomes the recent creation of a Division for the Rights of the Child within the Federation Ombudsmen institution, and hopes it will help to more closely achieve compliance with the Convention.

B. Human rights education

"There is ... great urgency in including human rights education ... in the curricula of all schools ..." (E/CN.4/1997/9, para. 36).

"Children ... should benefit from comprehensive programmes of human rights education in the schools ... Efforts should also be pursued to develop educational exchange programmes, cultural activities and even sports events, such as football matches (with mixed-nationality teams) which bring children and youth together" (E/CN.4/1997/56, para. 63).

Comment

While international programmes have been launched to provide some teachers with human rights training, the current curricula do not include human rights education programmes, nor have curricula or textbooks been revised in the light of human rights principles.

VII. MISSING PERSONS

"The fate of thousands of missing persons from Srebrenica requires immediate clarification" (A/50/727-S/1995/933, para. 111).

"The de facto Bosnian Serb authorities should provide prompt access for human rights monitors to territories controlled by them, in particular to the Banja Luka region and Srebrenica" (A/50/727-S/1995/933, para. 111).

"All possible support should be given to the expert [of the Commission on Human Rights on missing persons]" (E/CN.4/1997/9, para. 35).

The fact that the fate of thousands of missing persons remains undetermined causes continued suffering for families and is an obstacle to the process of reconciliation. Authorities, especially on the Republika Srpska side, have showed resistance to cooperating with organizations involved in this issue. Urgent action still needs to be taken to redress this grave situation.

Annex II

PROGRAMME OF MEETINGS OF THE SPECIAL RAPPORTEUR

Mission of 20-23 February 1997

20 February 1997

Mostar

Sir Martin Garrod	Head, OHR, Region South, Mostar
Mr. Frank Sarver	Chief of IPTF, Mostar
Mr. Edward Joseph	Director of OSCE Regional Centre, Mostar
Mr. Neil Wright	Head of UNHCR, Mostar
Mr. Ivan Prskalo	Mayor of Mostar
Mr. Safet Orucevic	Deputy Mayor of Mostar
Mufti Hadziseid Efendija Smajkic	Leader of Islamic Community, Mostar
Mr. Ratko Peric	Catholic Bishop

Mission of 21-28 March 1997

21 March 1997

Sarajevo

Ms. Heike Alefsen	Council of Europe
Mrs. Margarita Pauliini	Italian Cooperation

22 March 1997

Mr. Predrag Pasic	Football Club "Bubamara"
Mrs. Mirhunisa Komarica	Head of Association of Refugees and Displaced Persons of Bosnia and Herzegovina
Ambassador Kei Eide	Special Representative of the Secretary-General
General William Crouch	SFOR Commander
Ms. Donna Gomien	Deputy Ombudsperson for Bosnia and Herzegovina

Mr. Marcus Cox	Senior Legal Adviser, Commission for Real Property Claims
	Briefings by OHR, OSCE, UNHCR, IPTF, UNMIBH Civil Affairs, European Union, UNICEF
23 March 1997	
Mr. Jakob Finci	Head of Jewish Community
Roundtable with NGOs:	Mr. Franjo Topic, "Napredak"
	Mr. Srdan Dizdarevic, Helsinki Committee for Human Rights
	Ms. Emina Zaciragic, Association of Jajce Citizens in Zenica
	Mr. Mladen Pandurevic, Serb Civic Council (SCC)
	Mr. Edib Bajvic, Centre for Civil Cooperation, Travnik
	Ms. Mirjana Buncic, NGO International Support Centre
	Prof. Sadikovic, Dean of Law Faculty
	Mr. Ermin Sarajlija, University Centre for Human Rights
	Ms. Ifeta Nezirovic, Legal Centre for Women
	Ms. Jasminka Dzumhur, Legal Centre for Women
	Mr. Dusan Sehovac, Democratic Initiative of Sarajevo Serbs (DISS)
	Mr. Maksim Stanisic, DISS
	Mr. Dragutin Zvonimir Cicak, Independent

Mostar

Displaced persons from Stolac and Capljina

Leaders in exile of Stolac and Capljina municipalities

Parents of missing persons

OHR, Coordination Group, Region South

Mr. Neil Wright	Head of UNHCR sub-office for southern Bosnia and Herzegovina, Mostar
Mr. Waheed Waheedullah	United Nations Civil Affairs, Mostar
Mr. Juhani Vaananen	OHR, Region South, Mostar
Sir Martin Garrod	Head, OHR, Region South, Mostar
Edward Joseph	Director, OSCE Regional Centre, Mostar

24 March 1997

Mrs. Vera Jovanovic	Federation Ombudsman
Mrs. Branka Raguz	Federation Ombudsman
Mr. Esad Muhibic	Federation Ombudsman
Ms. Fatima Leho	President of the Canton
Mr. Valentin Coric	Minister of Internal Affairs
Mr. Sefkija Dziho	Deputy Minister of Internal Affairs

Stolac

Mr. Pero Raguz	Mayor of Stolac

Returnees in Stolac

Capljina

Visit to Refugees Collective Centre, village of Tasovcici

Mr. Krunoslav Kordic	Mayor of Capljina
Mr. Dragan Vrankic	Deputy Mayor

Mr. Zdravko Jovanovic	Chief of Police
Ms. Mara Jurkovic	Local Commissioner for Refugees

IPTF station in Capljina

Mostar

Visit to the Container Hospital,
East Mostar

Dr. David Schwartz	UNICEF clinic for war-traumatized children

25 March 1997

Mr. Omer Hujdur	Minister of Labour and Social Affairs
Mr. Mehmed Dizdar	President of Stolac municipality in exile
Mr. Hamid Curtovic	Municipality of Mostar
Mr. Salko Hodzic	Assistant to the Cantonal Minister
Mr. Muzair Penovic	Municipality of Mostar

Chiefs of Police,
Mostar East and Mostar West

Jablanica

Briefing by UNHCR, OSCE

Representatives of Displaced Persons
from Doljani and Jovic
and mother of a missing person

Mr. Emin Zebic	Chief of Police in Jablanica
Mr. Nijaz Ivkovic	Mayor of Jablanica
Mr. Elvedin Hero	Secretary for Refugees
Mr. Hamdo Sefer	Member of the Municipal Assembly
Mr. Sulejman Sarajlic	Member of the Municipal Assembly

Slatina

Mr. Drew Strobel	United Methodist Committee on Relief (UMCOR) Representative
Ms. Melissa Pyson	International Rescue Committee Representative

Mr. Roland de Rosserne	OSCE, Jablanica
Ms. Maria T. Vardis	OSCE, Jablanica
Returnees and local people of Slatina village	

Sarajevo

Mr. Jouko Blomberg	Media Adviser to UNESCO

26 March 1997

Gorazde

Mr. Jorge Barreira	IPTF District Commander
Mr. Ahmed Salman	United Nations Civil Affairs
Mr. Eddie O'Dwyer	UNHCR field office Gorazde
Mr. Goncho Ganchev	OSCE Head of Office
Dr. Emir Frasto	President of Gorazde Social Democratic Party (SDP)
Mr. Ibrahim Imamovic	Head of Association for Local Democratic Initiatives/President of Gorazde Union of Bosnian Social Democrats (UBSD)
Mr. Slavko Klisura	Secretary of Gorazde SCC
Displaced Persons in Obarak	
Mr. Himzo Bajrovic	UNHCR field office Gorazde
Dr. Veljko Gigovic	Mayor of Srpsko Gorazde
Mr. Slavko Topalovic	President of Executive Council
Mr. Novica Krunic	President of SDS
Mr. Riad Rascic	Gorazde Cantonal Governor
Mr. Hamid Prses	Cantonal Prime Minister
Ms. Nafija Hodo	Cantonal Minister for Refugees

Foca/Srbinje

Ms. Rumiana Decheva	Head of OSCE office
Meeting with two individual cases	
Mr. Petko Cancar	Mayor of Srbinje
Mr. Radojica Mladenovic	President of Executive Council
Mr. Rade Radovic	Regional Chief of Public Security, Republika Srpsko

Trnovo

Mr. Peter Deck	UNHCR
Mr. Cedo Mendic	Mayor of Trnovo

Sarajevo

Mrs. Geldeerblom-Lankhout	Rapporteur of the Commission on Legal Affairs and Human Rights, Council of Europe
Mr. Jarkko Irpola	OSCE Deputy Chief of Operation
27 March 1997	
H.E. Mr. Kresimir Zubak	Member of the Presidency
Mr. Safet Pasic	Deputy Minister of Justice
Mr. Dzemaludin Mutapcic	Assistant to the Minister
Ms. Kata Senjab	Assistant to the Minister
Mr. Enver Hadzihasanovic	Chief of Staff of Bosnia and Herzegovina Army
Mr. Nudzeim Recica	Deputy Minister for Civil Affairs and Communications

Pale

Mr. Ljubisa Vladusic	Minister for Refugees, Republika Srpsko
Mr. Dragan Kekic	Commission for Refugees, Republika Srpsko
Mr. Dragan Kijac	Minister of Interior, Republika Srpsko

Mission of 2-10 May 1997

8 May 1997

Sarajevo

Mr. Manfred Nowak	United Nations expert formerly responsible for the special process on missing persons

9 May 1997

OHR Expert Group on Exhumations and Missing Persons

Mr. Peter Iiskola	Council of Europe

Mission of 4-9 June 1997

8 June 1997

Banja Luka

H.E. Mrs. Biljana Plavsic	President of the Republika Srpska
Mr. Mile Marceta	Association of Drvar Serbs
Mr. Milorad Dodik	Shadow government
Mr. Miodrag Zivanovic	Shadow government

9 June 1997

Sarajevo

OHR Expert Group on Exhumations and Missing Persons

Mission of 16-24 July 1997

17 July 1997

Brcko

Mr. Bill Farrand	Deputy High Representative, Brcko
Mr. Jusufovic Munib	Mayor of Brcko
Mr. Mijo Anic	Mayor of Brcko
Mr. Miodrag Pajic	Mayor of Brcko

Individual cases	
Human Rights Working Group, Brcko:	OHR, OSCE, UNHCR, IPTF, European Community Monitoring Mission (ECMM) SFOR, United Nations Civil Affairs
Visit to villages	
Visit to the Displaced Persons Collective Centre	
18 July 1997	
Tuzla	
Ms. Laurie Vollen	Physicians for Human Rights
Ms. Tal Simmons	Physicians for Human Rights
Ms. Molly Ryan	Physicians for Human Rights
Dr. Zdenko Cihlarz	Institute for Forensic Medicine
Mr. Suad Zahirovic	"Lotos", Information Centre for Disabled Persons
Centre for Disabled Children	
Opening of Tuzla Summer University	
Mrs. Zehra Ferhatbegovic	Bosfam (NGO)
Mrs. Dzehva Paric	Bosfam
Women from Srebrenica	
Sarajevo	
Mr. Mladen Pandurevic	SCC
Mr. Ratko Orozovic	SCC
Mr. Mladen Zabo	SCC
Amb. Daan Everts	Head, ECMM
19 July 1997	
Sarajevo	
Mr. Jakob Finci	Head, Jewish Community
Mr. Peter Deck	Head, UNHCR Sarajevo office

Visit to Otes, Ilidza	
Mr. Husein Mahmutovic	Mayor of Ilidza
Ms. Asja Mesic	Municipality of Ilidza, Chief of Cabinet
Mr. Husein Adilovic	Municipality of Ilidza, President of Parliament
Ms. Suada Hadzovic	Municipality of Ilidza, Secretary of the Council
Mr. Duranovic Sefkija	Municipality Ilidza, Assistant for Urbanism
Mr. Mijo Golub	Chief of Police, Ilidza
Mr. Esref Djana	Municipality of Ilidza
Mr. Vahid Muharemovic	Assistant to the Mayor
Mr. Jadranko Katana	Municipality of Ilidza
Mr. Sejfudin Tokic	Shadow government
Ms. Senka Nozica	Shadow government
Visit to Central Prison	
Reception at the Hotel Grand	

20 July 1997

Jablanica

Mr. Jacques Franquin	Senior Liaison Officer, UNHCR, Jablanica

Visit to Duge village,
meeting with Bosniak returnees

Prozor

Mr. Jerko Pavlicevic	Mayor of Prozor
Mr. Dragan Meter	President of HDZ, Prozor
Mr. Ivan Zadro	Deputy Mayor
Mr. Dragan Simunovic	Association of Refugees and Displaced Persons

Drvar

Mr. Schneiderbanger	SFOR
Mr. Nils Kastberg	OHR
Mr. Ayaki Ito	UNHCR
Mr. Jeroen Sennef	United Nations Civil Affairs
Mr. Darryl Markum	IPTF

Meeting with Serb returnees in surrounding villages

21 July 1997

Mr. Boro Malbasic	Mayor of Drvar
Mr. Drago Tokmadzija	Deputy Mayor of Drvar
Mr. Ivan Jurcevic	Chief of Police, Drvar

Banja Luka

H.E. Mrs. Biljana Plavsic	President of the Republika Srpska
Mr. Zivko Radisic	Union for Peace and Progress
Mr. Predrag Radic	Democratic Patriotic Bloc
Mr. Rajko Kuzmanovic	Dean of Law Faculty and Judge of the Constitutional Court
Mr. Branko Panic	Association of Missing Persons
Mr. Svetozar Nikodinovic	Association of Missing Persons
Mrs. Biljana Malesevic	Association of Missing Persons

Mostar

Mr. Juhani Vaananen	OHR, Mostar

22 July 1997

Mr. Murat Coric	ETUC Sindikat, Mostar
Ms. Dika Mandjo	ETUC Sindikat, Mostar
Ms. Zelja Grubisic	ETUC Sindikat, Mostar
Mrs. Fatima Leho	Cantonal Governor
Mr. Pero Markovic	Deputy Governor
Mr. Ivan Prskalo	Mayor of Mostar
Mr. Stanko Barbaric	Head of Housing Authority, Mostar

23 July 1997

Sarajevo

Ms. Sabiha Hadzimuratovic	Ljiljan magazine
Mr. Husein Zivalj	Deputy Minister of Foreign Affairs
Mr. Amor Masovic	Head, State Commission for Tracing Missing Persons

Mission of 29 August - 3 September 1997

30 August 1997

Jajce

Mr. Jozo Lucic	Mayor of Jajce
Mr. Ivo Saraf	President of the Municipality
Mr. Marko Lucic	Chief of Police

Bosniak returnees

Banja Luka

Mr. Marinko Ucur	Banja Luka Studio, Editorial Board
Mr. Nikola Deretic	Banja Luka Studio, Editorial Board
Mr. Radomir Neskovic	Banja Luka Studio, Editorial Board

31 August 1997	
Col. Boda	IPTF Acting Regional Commander
Mr. Milan Sutilovic	Chief of Police
Mr. Marko Pavic	Acting Minister of Interior, Republika Srpska
Sarajevo	
Mr. Johan van der Merwe	Acting Programme Manager, UNMAC
Mr. Thomas Jernehed	UNMAC
1 September 1997	
Zenica	
Mr. Alexei Maslov	United Nations Civil Affairs
Mr. Jusuf Seta	Director of Zenica prison
Mr. Revko Kadric	Deputy Director of Zenica prison
General Kadir Jusic	Commander, 3rd Corps, Army of Bosnia and Herzegovina
Sarajevo	
Mr. Martin Barber	Deputy Special Representative of the Secretary-General
Mr. Claudio Cordone	Head of Human Rights Office, UNMIBH
Mrs. Mirhunisa Komarica	Association of Refugees and Displaced Persons in Bosnia and Herzegovina
Women from Srebrenica	
Mr. Mirko Todorovic	DISS
Mr. Muhamed Kozadra	Mayor of Vogosca
Mr. Beriz Belkic	Cantonal Minister for Refugees and Displaced Persons
General Jacques Klein	Principal Deputy High Representative

2 September 1997

H.E. Mr. Alija Izetbegovic	President of the Presidency
H.E. Mr. Kresimir Zubak	Member of the Presidency
H.E. Mr. Vladimir Soljic	President of the Federation of Bosnia and Herzegovina
Mr. Mate Tadic	Minister of Justice
Mr. Safet Pasic	Deputy Minister of Justice
Mr. Fahrudin Rizvanbegovic	Minister of Education, Science, Culture and Sports
Mr. Rasim Kadic	Minister of Social Affairs, Displaced Persons and Refugees
Mrs. Vera Jovanovic	Federation Ombudsman
Mrs. Branka Raguz	Federation Ombudsman
Mr. Esad Muhibic	Federation Ombudsman

3 September 1997

Pale

H.E. Mr. Momcilo Krajisnik	Member of the Presidency

Sarajevo

Mr. Manfred Seitner	IPTF Commissioner
General Rasim Delic	Commander, Army of the Federation of Bosnia and Herzegovina

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